

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No. 17-md-2804  
Judge Dan Aaron  
Polster

This document relates to:

The County of Summit, Ohio, et al.  
v. Purdue Pharma L.P., et al.  
Case No. 17-OP-45004

The County of Cuyahoga v. Purdue  
Pharma L.P., et al.  
Case No. 18-OP-45090

City of Cleveland, Ohio v. Purdue  
Pharma L.P., et al  
Case No. 18-OP-45132

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Videotaped deposition of  
BRIAN NELSEN  
30(b)(6)

January 24, 2019  
9:08 a.m.

Taken at:  
Jackson Kelly  
50 South Main Street, Suite 201  
Akron, Ohio

Renee L. Pellegrino, RPR, CLR

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| <p>Page 2</p> <p>1 APPEARANCES:</p> <p>2 On behalf of Summit County and City of Akron:</p> <p>3 Motley Rice</p> <p>4 MICHAEL J. PENDELL, ESQ.</p> <p>5 ANDREW P. ARNOLD, ESQ.</p> <p>6 ANNE KEARSE, ESQ.</p> <p>7 28 Bridgeside Boulevard</p> <p>8 Mt. Pleasant, South Carolina 29464</p> <p>9 (843) 216-9229</p> <p>10 mpendell@motleyrice.com</p> <p>11 aarnold@motleyrice.com</p> <p>12 akearse@motleyrice.com</p> <p>13 On behalf of Endo Pharmaceuticals, Inc., Endo</p> <p>14 Health Solutions, Inc., Par Pharmaceuticals,</p> <p>15 Inc. and Par Pharmaceutical Companies, Inc.:</p> <p>16 (Via Telephone and Veritext Virtual)</p> <p>17 Arnold &amp; Porter</p> <p>18 ANDREW D. BERGMAN, ESQ.</p> <p>19 7000 Louisiana Street</p> <p>20 Suite 4000</p> <p>21 Houston, Texas 77002-2755</p> <p>22 (713) 576-2400</p> <p>23 andrew.bergman@bakerlaw.com</p> <p>24 On behalf of Cardinal Health:</p> <p>25 Williams &amp; Connolly</p> <p>26 J. ANDREW KEYES, ESQ.</p> <p>27 725 12th Street, N.W.</p> <p>28 Washington, D.C. 20005</p> <p>29 (202) 434-5186</p> <p>30 akeyes@wc.com</p> <p>31 On behalf of AmerisourceBergen Drug Corporation:</p> <p>32 (Via Telephone and Veritext Virtual)</p> <p>33 Jackson Kelly</p> <p>34 M. JANE BRANNON, ESQ.</p> <p>35 175 East Main Street</p> <p>36 Lexington, Kentucky 40507</p> <p>37 (859) 288-2805</p> <p>38 mjbrannon@jacksonkelly.com</p> <p>39 ~ ~ ~ ~ ~</p> | <p>Page 4</p> <p>1 TRANSCRIPT INDEX</p> <p>2</p> <p>3 APPEARANCES .....2</p> <p>4 INDEX OF EXHIBITS .....5</p> <p>5 INDEX OF OBJECTIONS .....6</p> <p>6</p> <p>7 EXAMINATION OF BRIAN NELSEN:</p> <p>8 BY MR. KEYES .....10</p> <p>9 BY MS. RANJAN .....211</p> <p>10 BY MR. NAEEM .....230</p> <p>11</p> <p>12 REPORTER'S CERTIFICATE .....235</p> <p>13</p> <p>14 EXHIBIT CUSTODY - RETAINED BY COURT REPORTER</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   |
| <p>Page 3</p> <p>1 APPEARANCES, CONT'D:</p> <p>2 On behalf of Johnson &amp; Johnson and Janssen</p> <p>3 Pharmaceuticals, Inc.:</p> <p>4 Tucker Ellis LLP</p> <p>5 TARIQ NAEEM, ESQ.</p> <p>6 950 Main Avenue, Suite 1100</p> <p>7 Cleveland, Ohio 44113-7213</p> <p>8 (216) 592-5000</p> <p>9 tariq.naeem@tuckerellis.com</p> <p>10</p> <p>11 On behalf of McKesson Corporation:</p> <p>12 Covington &amp; Burling LLP</p> <p>13 DAVID W. HALLER, ESQ.</p> <p>14 The New York Times Building</p> <p>15 620 Eighth Avenue</p> <p>16 New York, New York 10018-1405</p> <p>17 (212) 841-1104</p> <p>18 dhaller@cov.com</p> <p>19 On behalf of Walmart, Inc.:</p> <p>20 Jones Day</p> <p>21 BRANDY RANJAN, ESQ.</p> <p>22 325 John H. McConnell Boulevard</p> <p>23 Columbus, Ohio 43215-2673</p> <p>24 (614) 469-3939</p> <p>25 branjana@jonesday.com</p> <p>ALSO PRESENT: Kurt Henschel, Videographer</p> <p>~ ~ ~ ~ ~</p>   | <p>Page 5</p> <p>1 INDEX OF EXHIBITS</p> <p>2</p> <p>3 Number Description Marked</p> <p>4</p> <p>5 Exhibit 1 Amended Notice of Videotaped 11</p> <p>6 Deposition of Brian Nelsen</p> <p>7</p> <p>8 Exhibit 2 E-Mail from Jennifer Peveich to 68</p> <p>9 Bryan Herschel and Brian Nelsen,</p> <p>10 dated August 18, 2017, with</p> <p>11 Attachment, Beginning Bates</p> <p>12 Number SUMMIT_001084232</p> <p>13</p> <p>14 Exhibit 3 Summit County, Ohio Plaintiff's 177</p> <p>15 Second Supplemental Response and</p> <p>16 Objections to Distributor</p> <p>17 Defendants' Interrogatory No. 18</p> <p>18 Pursuant to the Court's November</p> <p>19 21, 2018 Order</p> <p>20 Exhibit 4 Spreadsheet Entitled "Summit 177</p> <p>21 County (\$ Millions)," Marked</p> <p>22 Confidential</p> <p>23 Exhibit 5 Summit County and City of Akron, 215</p> <p>24 Ohio Plaintiffs' First Amended</p> <p>25 Responses and Objections to the</p> <p>National Retail Pharmacy</p> <p>Defendants' First Set of</p> <p>Interrogatories</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 Kelly, on behalf of AmerisourceBergen Drug<br/>2 company.<br/>3 MR. KEYES: Is there anyone else on<br/>4 the phone?<br/>5 THE VIDEOGRAPHER: The court<br/>6 reporter may swear in the witness.<br/>7 BRIAN NELSEN, of lawful age, called for<br/>8 examination, as provided by the Federal<br/>9 Rules of Civil Procedure, being by me<br/>10 first duly sworn, as hereinafter certified,<br/>11 deposed and said as follows:<br/>12 EXAMINATION OF BRIAN NELSON<br/>13 BY MR. KEYES:<br/>14 Q. Good morning, Mr. Nelsen.<br/>15 A. Good morning.<br/>16 Q. Are you still employed by Summit<br/>17 County?<br/>18 A. Yes.<br/>19 Q. What is your current position?<br/>20 A. I am the director of finance and<br/>21 budget for the Summit County executive.<br/>22 Q. Is that the same position you held<br/>23 in December, when you were deposed for the first<br/>24 time?<br/>25 A. Yes.</p>  | <p style="text-align: right;">Page 12</p> <p>1 A. Yes.<br/>2 Q. And if you turn to the top of the<br/>3 second page, do you see that this lists you as<br/>4 being the corporate representative of Summit<br/>5 County who will testify on topics 11, 21, 22, 37<br/>6 and 38 of Defendants' original deposition<br/>7 notice?<br/>8 A. Yes.<br/>9 Q. Is it your understanding that you<br/>10 will be testifying as Summit County on those<br/>11 topics?<br/>12 A. Yes.<br/>13 Q. And is it your understanding that as<br/>14 you answer questions on those topics, you are<br/>15 answering based on information known or<br/>16 reasonably available to Summit County?<br/>17 A. Yes.<br/>18 Q. Did you do anything to prepare for<br/>19 today's deposition?<br/>20 A. Yes.<br/>21 Q. What did you do?<br/>22 A. I -- I had a meeting with Mr. Arnold<br/>23 and Mr. Pendell last week for about an hour and<br/>24 a half. I reviewed the depositions of Greta<br/>25 Johnson and the 30(b)(6) deposition of Diane</p> |
| <p style="text-align: right;">Page 11</p> <p>1 Q. When you were deposed in December<br/>2 for the first time, you were deposed as a fact<br/>3 witness. Is it your understanding that you are<br/>4 being deposed today as a corporate<br/>5 representative of Summit County?<br/>6 A. Yes.<br/>7 Q. And is it your understanding that<br/>8 you are not testifying as an individual, you are<br/>9 testifying as Summit County?<br/>10 A. Yes.<br/>11 Q. And is it your understanding that<br/>12 you are testifying on certain topics?<br/>13 A. Yes.<br/>14 - - - - -<br/>15 (Thereupon, Nelsen 30(b)(6)<br/>16 Deposition Exhibit 1, Amended Notice<br/>17 of Videotaped Deposition of Brian<br/>18 Nelsen, was marked for purposes of<br/>19 identification.)<br/>20 - - - - -<br/>21 Q. Let me show you what has been marked<br/>22 as Nelsen 30(b)(6) Exhibit Number 1. This is<br/>23 the amended notice of videotaped 30(b)(6)<br/>24 deposition of Brian Nelsen.<br/>25 Do you see that?</p> | <p style="text-align: right;">Page 13</p> <p>1 Miller-Dawson, and yesterday went back through<br/>2 some of my notes for the first deposition, and<br/>3 also did a little bit of research on information<br/>4 available from the Ohio Department of Health and<br/>5 the Ohio Hospital Administrators Association.<br/>6 Q. Anything else?<br/>7 A. That's it.<br/>8 Q. You said you met with Mr. Pendell<br/>9 and Mr. Arnold. They are attorneys for Summit<br/>10 County?<br/>11 A. Yes.<br/>12 Q. Did anyone else participate in that<br/>13 meeting?<br/>14 A. No.<br/>15 Q. Did you review documents during that<br/>16 meeting?<br/>17 A. No. I don't believe so.<br/>18 Q. You said you reviewed deposition<br/>19 transcripts?<br/>20 A. Yes.<br/>21 Q. Did you review the transcript of the<br/>22 deposition testimony you gave in December?<br/>23 A. I did not.<br/>24 Q. Have you reviewed it at any point in<br/>25 time?</p>   |

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| <p style="text-align: right;">Page 14</p> <p>1 A. I have not.</p> <p>2 Q. You said you reviewed the deposition</p> <p>3 testimony of Greta Johnson?</p> <p>4 A. Yes. Some of it.</p> <p>5 Q. Some of it?</p> <p>6 A. Yes.</p> <p>7 Q. How did you get the transcript?</p> <p>8 A. From our attorneys.</p> <p>9 Q. Why did you review at least some of</p> <p>10 her testimony?</p> <p>11 A. Because she -- she provided</p> <p>12 testimony that I was told by our attorneys was</p> <p>13 good testimony and had some -- and many times</p> <p>14 throughout that testimony she deferred questions</p> <p>15 to me, so I wanted to review what those</p> <p>16 questions may have been.</p> <p>17 Q. Which questions did she defer to</p> <p>18 you?</p> <p>19 A. They were questions on financial</p> <p>20 issues, costs.</p> <p>21 Q. And based on the questions that were</p> <p>22 asked during Ms. Johnson's deposition, where she</p> <p>23 referred the questions to you, did you do any</p> <p>24 homework so that you could answer those</p> <p>25 questions today?</p> | <p style="text-align: right;">Page 16</p> <p>1 Q. And how did you figure out which</p> <p>2 parts of Ms. Johnson's testimony to read if you</p> <p>3 only read 25 to 30 percent?</p> <p>4 A. I skimmed through looking for my</p> <p>5 name.</p> <p>6 Q. When you reviewed Ms. Johnson's</p> <p>7 deposition testimony, did you see anything that</p> <p>8 she said that you believed to be inaccurate?</p> <p>9 A. The one thing that she cited, and I</p> <p>10 believe I originally cited it in my first</p> <p>11 testimony in December, that I've come to realize</p> <p>12 was not accurate, was that the ADM Board went</p> <p>13 out for a levy increase in their last levy</p> <p>14 cycle. It was actually two cycles ago that they</p> <p>15 sought that increase and received it.</p> <p>16 Q. And when you say "two cycles ago,"</p> <p>17 when was that?</p> <p>18 A. So that would have been 2007.</p> <p>19 Q. So how did you discover that what</p> <p>20 you had said in your earlier deposition was</p> <p>21 inaccurate; based on reading what Ms. Johnson</p> <p>22 said?</p> <p>23 A. Yeah. When I saw it in</p> <p>24 Ms. Johnson's testimony, I immediately wondered</p> <p>25 if that was right or not, and then I went back</p>                               |
| <p style="text-align: right;">Page 15</p> <p>1 A. I did not.</p> <p>2 Q. Why not?</p> <p>3 A. Because I believed, in reading</p> <p>4 those, that I already knew the answers to those</p> <p>5 questions.</p> <p>6 Q. And what are those questions?</p> <p>7 A. I don't recall what they were</p> <p>8 specifically.</p> <p>9 Q. You said you also read at least</p> <p>10 portions of Ms. Miller-Dawson's 30(b)(6)?</p> <p>11 A. That's correct.</p> <p>12 Q. How did you get the transcript?</p> <p>13 A. From our attorneys.</p> <p>14 Q. Why did you read that transcript?</p> <p>15 A. Because she holds a similar position</p> <p>16 at the City of Akron as my position at Summit</p> <p>17 County.</p> <p>18 Q. Which portions of that testimony did</p> <p>19 you read?</p> <p>20 A. I read probably 90 percent of that</p> <p>21 testimony.</p> <p>22 Q. And how much of Ms. Johnson's</p> <p>23 deposition testimony did you read?</p> <p>24 A. Probably 25 to 30 percent of her</p> <p>25 testimony.</p>   | <p style="text-align: right;">Page 17</p> <p>1 and looked to see when that levy increase had</p> <p>2 occurred.</p> <p>3 Q. Okay. So the last time there was a</p> <p>4 levy increase for the ADM Board was in 2007?</p> <p>5 A. Yes.</p> <p>6 My -- and one of the reasons I</p> <p>7 believed it was the last levy cycle is ADM</p> <p>8 operationally has changed somewhat, and that is</p> <p>9 due to two things; Medicaid expansion having</p> <p>10 taken over a lot of the cases that they</p> <p>11 previously used to pay for, and then, also, the</p> <p>12 fact that the state began direct paying Medicaid</p> <p>13 claims and not running them through ADM. And</p> <p>14 all of that occurred in that '12, '13 time</p> <p>15 frame, which is why when I was thinking back, I</p> <p>16 was thinking that was their last levy cycle that</p> <p>17 they had got the increase, but it was actually</p> <p>18 the increased Medicaid expansion that had freed</p> <p>19 up dollars for more services from them.</p> <p>20 Q. And when you say that in 2007 the</p> <p>21 ADM Board went out for a levy increase --</p> <p>22 A. Yes.</p> <p>23 Q. -- what do you mean?</p> <p>24 A. Increase the tax millage that they</p> <p>25 collect to produce more tax revenue.</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 Q. So the last time that the ADM Board<br/>2 requested that the voters of Summit County<br/>3 increase the tax millage was in 2007?<br/>4 A. Yes.<br/>5 Q. Did you see anything else in your<br/>6 review of Ms. Johnson's testimony that you<br/>7 believed to be inaccurate?<br/>8 A. That was the only thing.<br/>9 Q. Did your review of Ms. Johnson's<br/>10 testimony flag for you that there was anything<br/>11 else you had said in your deposition that is<br/>12 inaccurate?<br/>13 A. It did not.<br/>14 Q. When you reviewed<br/>15 Ms. Miller-Dawson's testimony, did you see<br/>16 anything in her testimony that you believed to<br/>17 be inaccurate?<br/>18 A. No. I don't know that I could tell<br/>19 because most of her testimony was based on the<br/>20 city's financial considerations, city<br/>21 operations, so I would not have knowledge of<br/>22 whether what she said was inaccurate or not.<br/>23 Q. So when you reviewed what you said<br/>24 was 90 percent of her testimony, did you see<br/>25 anything that she said that you believed to be</p> | <p style="text-align: right;">Page 20</p> <p>1 your deposition in this case?<br/>2 A. What do you mean by during my<br/>3 deposition?<br/>4 Q. Well, I'm trying to pin down the<br/>5 notes. So did you take notes during your<br/>6 deposition in this case?<br/>7 A. As I sat here during the deposition?<br/>8 Q. Yes.<br/>9 A. No.<br/>10 Q. Okay. Are these notes that you took<br/>11 before or after your deposition?<br/>12 A. My previous deposition?<br/>13 Q. Um-hum.<br/>14 A. They were notes that I compiled<br/>15 prior to my previous deposition.<br/>16 Q. And where are those notes?<br/>17 A. On my computer at work.<br/>18 Q. Where on your computer?<br/>19 A. On my desktop.<br/>20 Q. So if you wanted to, you know<br/>21 exactly where to go to get the notes?<br/>22 A. Yes. So when you request them, I<br/>23 can provide them.<br/>24 Q. Indeed. Thank you.<br/>25 MR. PENDELL: We'll take it under</p> |
| <p style="text-align: right;">Page 19</p> <p>1 inaccurate?<br/>2 A. No.<br/>3 Q. And when you reviewed her testimony,<br/>4 did that prompt you to realize that anything you<br/>5 had said in your deposition was inaccurate?<br/>6 A. No.<br/>7 Q. Did you review any other deposition<br/>8 transcripts besides that of Ms. Johnson and<br/>9 Ms. Miller-Dawson?<br/>10 A. No.<br/>11 Q. You said you also reviewed your<br/>12 notes --<br/>13 A. Yes.<br/>14 Q. -- to prepare for today's<br/>15 deposition?<br/>16 A. Yes.<br/>17 Q. What notes are you talking about?<br/>18 A. Notes on costs to different county<br/>19 departments on trends that affected different<br/>20 county departments, and just some general notes<br/>21 on the economic impact of the opioid crisis,<br/>22 both in Ohio and in Summit County and<br/>23 nationally, and, also, just overdose death<br/>24 rates, things of that nature.<br/>25 Q. And did you take these notes during</p>   | <p style="text-align: right;">Page 21</p> <p>1 advisement.<br/>2 Q. What was your purpose in reviewing<br/>3 those notes to prepare for today's deposition?<br/>4 A. Just to refresh my memory.<br/>5 Q. Did they refresh your memory?<br/>6 A. Yeah.<br/>7 Q. On what?<br/>8 A. On the subjects that were contained<br/>9 in the notes.<br/>10 Q. And the subjects that you mentioned<br/>11 are trends of spending in the different<br/>12 departments?<br/>13 A. Yes.<br/>14 Q. The economic impact of the opioid<br/>15 crisis nationally and in Summit County?<br/>16 A. Yes.<br/>17 Q. And overdose rates?<br/>18 A. Yes.<br/>19 Q. And what did you --<br/>20 A. Essentially everything in those<br/>21 notes are things that we discussed in my<br/>22 previous deposition.<br/>23 Q. And did reviewing those notes<br/>24 identify for you anything you said in your past<br/>25 deposition that you now believe to be</p>    |



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| <p style="text-align: right;">Page 22</p> <p>1 inaccurate?</p> <p>2 A. No.</p> <p>3 Q. You also said you did research?</p> <p>4 A. Yes.</p> <p>5 Q. Is this research you did since your</p> <p>6 last deposition?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So what research did you do</p> <p>9 since your last deposition?</p> <p>10 A. I looked at some reports, as I</p> <p>11 mentioned earlier, from the Ohio Hospital</p> <p>12 Association and from the Ohio Department of</p> <p>13 Health on overdose rates and death rates.</p> <p>14 Q. Okay. So what -- did you go to a</p> <p>15 website?</p> <p>16 A. Yes.</p> <p>17 Q. So you went to a website for the</p> <p>18 Ohio Hospital Association?</p> <p>19 A. Yes.</p> <p>20 Q. And what did you learn based on your</p> <p>21 review of that website about overdose rates or</p> <p>22 death rates?</p> <p>23 A. I learned that from the Ohio</p> <p>24 Hospital Association -- I'm trying to remember</p> <p>25 which was on which site. From the Ohio Hospital</p>  | <p style="text-align: right;">Page 24</p> <p>1 take-aways were.</p> <p>2 A. Yes.</p> <p>3 Q. Just from reviewing the Ohio</p> <p>4 Hospital Association website or both websites?</p> <p>5 A. That was just the Ohio Hospital</p> <p>6 Association website.</p> <p>7 Q. Okay. And so what you are conveying</p> <p>8 today is your understanding of what you read on</p> <p>9 the Ohio Hospital Association's website</p> <p>10 describing research that had been done by</p> <p>11 someone else?</p> <p>12 A. By the hospitals that participate in</p> <p>13 the Ohio Hospital Association, data they</p> <p>14 provided.</p> <p>15 Q. And did you compile the underlying</p> <p>16 data?</p> <p>17 A. I did not.</p> <p>18 Q. Did you participate in any study or</p> <p>19 analysis of that data?</p> <p>20 A. What do you mean by study,</p> <p>21 participate in study or analysis?</p> <p>22 Q. Well, have you done any analysis of</p> <p>23 the data as opposed to reading what someone has</p> <p>24 described about the data on this website?</p> <p>25 A. I simply reviewed the data on the</p>   |
| <p style="text-align: right;">Page 23</p> <p>1 Association, that essentially there were 66 --</p> <p>2 roughly 66,000 overdose deaths in either 2016 or</p> <p>3 2017; two-thirds of those were opiate-related</p> <p>4 overdose deaths. And that the Ohio Hospital</p> <p>5 Association estimates by 2025 that they will be</p> <p>6 treating 90,000 overdose incidences in their</p> <p>7 hospitals per year, and that, on average, 30</p> <p>8 people will die each day from opiate-related</p> <p>9 overdose deaths.</p> <p>10 I also looked at a trend sheet they</p> <p>11 had, which indicated the number of overdoses</p> <p>12 in -- well, it broke down several categories,</p> <p>13 but by county, by age group, by -- by sex, by</p> <p>14 ethnicity. But looking at Summit County's</p> <p>15 trend, our trend of overdose -- overdoses</p> <p>16 treated in hospitals going back to 2008, which</p> <p>17 were at 200; by 2014, 2015 had exploded to the</p> <p>18 point where they were up over 2,000 overdoses in</p> <p>19 Summit County, I believe in either 2016 or 2017.</p> <p>20 So those were my key take-aways from that.</p> <p>21 And the other one was just the fact</p> <p>22 that they impact all age groups, including --</p> <p>23 the biggest age groups are the 18 to 39 and the</p> <p>24 39 to 54 age group.</p> <p>25 Q. Okay. So you've described what your</p> | <p style="text-align: right;">Page 25</p> <p>1 website. I did nothing in terms of putting it</p> <p>2 on a spreadsheet and doing any other analysis</p> <p>3 with it. I don't know if, in my mind, going</p> <p>4 through those trends constitutes analysis,</p> <p>5 but --</p> <p>6 Q. Did you talk to anyone from the Ohio</p> <p>7 Hospital Association about the data or your</p> <p>8 take-aways from the data?</p> <p>9 A. I did not.</p> <p>10 Q. And did you talk to anyone who</p> <p>11 participated in either gathering the underlying</p> <p>12 data or calculating the statistics from the data</p> <p>13 that you believe you saw on this website?</p> <p>14 A. I don't believe I saw it. I did see</p> <p>15 it. I did not. I believe the Ohio Hospital</p> <p>16 Association to be a reputable association and</p> <p>17 their participating members to be reputable</p> <p>18 organizations.</p> <p>19 Q. What prompted you to go to the Ohio</p> <p>20 Hospital Association website in the first place?</p> <p>21 A. I was just googling opiate --</p> <p>22 googling about opiates, just wanting to do a</p> <p>23 little more research prior to today's</p> <p>24 deposition.</p> <p>25 Q. You said that, as you recall it, the</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 Ohio Hospital Association website reported that</p> <p>2 there were 66,000 overdose deaths in 2016 or</p> <p>3 2017?</p> <p>4 A. Roughly, yes.</p> <p>5 Q. And you said that the website</p> <p>6 reported that two-thirds of those are opiate</p> <p>7 related?</p> <p>8 A. Yes.</p> <p>9 Q. And what drugs are included in</p> <p>10 opiate when it says that two-thirds of the</p> <p>11 overdose deaths were opiate related?</p> <p>12 A. Those statistics -- well, there is</p> <p>13 another -- another take-away I took from their</p> <p>14 analysis. It might have been the Ohio</p> <p>15 Department of Health. You'll have to forgive me</p> <p>16 because I believe these were in the Ohio</p> <p>17 Hospital Association, but there was also Ohio</p> <p>18 Department of Health analysis I looked at.</p> <p>19 The Ohio Hospital Association</p> <p>20 included both prescription-based opiates and</p> <p>21 synthetic, illegal opiates, non-prescription.</p> <p>22 Q. So did it break out the number of</p> <p>23 overdose deaths that were based on overdosing on</p> <p>24 an illegal opioid versus a prescription opioid?</p> <p>25 A. No. The Ohio Hospital Association</p> | <p style="text-align: right;">Page 28</p> <p>1 Q. Okay. It just said 30 people will</p> <p>2 die per day from a drug overdose?</p> <p>3 A. In Ohio -- in Ohio, yes.</p> <p>4 Q. Okay. So it didn't break it out by</p> <p>5 the number of people who were projected to die</p> <p>6 from an opioid overdose?</p> <p>7 A. That study did not, no.</p> <p>8 Q. And it also did not break out the</p> <p>9 number of people who would die per day from an</p> <p>10 overdose of an illegal opioid versus a</p> <p>11 prescription opioid?</p> <p>12 A. That study did not.</p> <p>13 Q. And then you said, if I understood</p> <p>14 you correctly, that this same website reported</p> <p>15 the number of overdoses by county, age group,</p> <p>16 sex and ethnicity?</p> <p>17 A. Yes.</p> <p>18 Q. And when it listed overdoses, are</p> <p>19 those drug overdoses?</p> <p>20 A. My belief is yes. Those were opiate</p> <p>21 overdoses.</p> <p>22 Q. So these numbers that you remember</p> <p>23 were focused or limited to overdoses on opiates?</p> <p>24 A. Yes.</p> <p>25 Q. Did it break out the number of</p>  |
| <p style="text-align: right;">Page 27</p> <p>1 study did not.</p> <p>2 Q. And did it report on the number of</p> <p>3 overdose deaths that resulted from the use of a</p> <p>4 prescription opioid?</p> <p>5 A. Say that again.</p> <p>6 Q. Did it report on the number of</p> <p>7 overdose deaths that resulted from the use of a</p> <p>8 prescription opioid?</p> <p>9 A. That study did not.</p> <p>10 Q. And did it report on the number of</p> <p>11 overdose deaths that were attributable to use of</p> <p>12 an illegal opioid where someone had used a</p> <p>13 prescription opioid in the past?</p> <p>14 A. That one did not.</p> <p>15 Q. And when it projected, as you recall</p> <p>16 it, that by 2025 there will be 90,000 overdoses</p> <p>17 per year, did it break out the number of</p> <p>18 overdoses it projected per year that are</p> <p>19 attributable to use of a prescription opioid</p> <p>20 versus use of an illegal opioid?</p> <p>21 A. That study did not.</p> <p>22 Q. And when it projected that by 2025,</p> <p>23 30 people will die per day from an overdose, was</p> <p>24 that an overdose on opioids?</p> <p>25 A. That study did not indicate that.</p>   | <p style="text-align: right;">Page 29</p> <p>1 overdoses based on use of an illegal opiate</p> <p>2 versus a prescription opioid?</p> <p>3 A. That study did not.</p> <p>4 Q. And when it reported the number of</p> <p>5 overdoses, is it reporting the number of</p> <p>6 overdose deaths or just the number of overdoses?</p> <p>7 A. Those were the number of incidences</p> <p>8 treated in hospitals for overdose, so it was not</p> <p>9 specifically just deaths.</p> <p>10 Q. And did it provide any data about</p> <p>11 which overdoses or which percentage of overdoses</p> <p>12 involved someone using a prescription opioid in</p> <p>13 the past?</p> <p>14 A. That study did not.</p> <p>15 Q. Then you mentioned that it -- it</p> <p>16 reported a trend between 2008 and 2015?</p> <p>17 A. I believe it went all the way to</p> <p>18 2017, though I don't know it was inclusive of</p> <p>19 the entire year of 2017.</p> <p>20 Q. And what trend do you remember it</p> <p>21 reporting?</p> <p>22 A. That in Summit County, who I</p> <p>23 specifically looked at, we were at 200 plus</p> <p>24 overdose incidences in 2008. That number was</p> <p>25 slowly growing in '09, '10, '11. It was like at</p> |



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| <p style="text-align: right;">Page 30</p> <p>1 300-some, then 400-some. And then in 2014 I<br/> 2 believe it hit somewhere around 770, and then by<br/> 3 2015 it went to 1100, and by 2016 it doubled to<br/> 4 2200 incidences, roughly.<br/> 5 Q. And so this is data reporting on<br/> 6 overdose incidents?<br/> 7 A. Yes.<br/> 8 Q. And did it break out the overdoses<br/> 9 by drug?<br/> 10 A. It did not. This study did not.<br/> 11 Q. Were these overdose incidents all<br/> 12 drug overdoses or was it limited to<br/> 13 opiate-related overdoses?<br/> 14 A. I believe -- I'd have to check, but<br/> 15 I believe it was opiate incidences.<br/> 16 Q. And then did it break out the number<br/> 17 or percentage of opiate incidents that resulted<br/> 18 from use of an illicit opioid versus a<br/> 19 prescription opioid?<br/> 20 A. That study did not.<br/> 21 Q. Did you see anything on the website<br/> 22 of the Ohio Hospital Association that provided<br/> 23 data on overdose -- overdose deaths resulting<br/> 24 from the use of a prescription opioid?<br/> 25 A. Not on that -- not on that website.</p>   | <p style="text-align: right;">Page 32</p> <p>1 Health?<br/> 2 A. Yes.<br/> 3 Q. Okay. When did you look at that?<br/> 4 A. Last night.<br/> 5 Q. Why?<br/> 6 A. Because as most of your questions<br/> 7 just kind of alluded to, I was -- I was curious<br/> 8 about whether there was data available that<br/> 9 broke down usage by prescription versus illegal<br/> 10 opiates.<br/> 11 Q. Okay. So you were curious about<br/> 12 that. How did that lead you to the Ohio<br/> 13 Department of Health website?<br/> 14 A. I just went there looking to see if<br/> 15 they had that kind of data available that would<br/> 16 tell me what that breakdown was.<br/> 17 Q. Based on your curiosity, did you go<br/> 18 anywhere else besides the Ohio Department of<br/> 19 Health website?<br/> 20 A. I don't believe so, no.<br/> 21 Q. So what did you -- how much time did<br/> 22 you spend on the Ohio Department of Health<br/> 23 website?<br/> 24 A. Maybe about an hour.<br/> 25 Q. And what did you learn based on</p>   |
| <p style="text-align: right;">Page 31</p> <p>1 Q. Did you see anything on the website<br/> 2 of the Ohio Hospital Association that provided<br/> 3 data on overdoses resulting from the use of a<br/> 4 prescription opioid?<br/> 5 A. Not on that website.<br/> 6 Q. And did you see anything on the<br/> 7 website of the Ohio Hospital Association that<br/> 8 provided data on what percentage of overdoses<br/> 9 based on the use of an illicit opioid involved<br/> 10 prior use of a prescription opioid?<br/> 11 A. Not on that website.<br/> 12 Q. Can you provide any more detail<br/> 13 about what you remember seeing on the website of<br/> 14 the Ohio Hospital Association?<br/> 15 A. The only other thing that really<br/> 16 stuck out at me, as I mentioned, were the age<br/> 17 groups, and then kind of the male/female<br/> 18 breakdown and the racial component of it. Very<br/> 19 much that whole age group from 18 to -- it was<br/> 20 either 54 or 59, made up the vast majority, but<br/> 21 I was a little surprised at just how much that,<br/> 22 roughly, 39 to, I think it was, 54 age group,<br/> 23 how large that population was.<br/> 24 Q. You said earlier that you also<br/> 25 looked at the website of the Ohio Department of</p> | <p style="text-align: right;">Page 33</p> <p>1 reviewing that website?<br/> 2 A. So there were a few things.<br/> 3 I found a report that had been done<br/> 4 back in 2007, 2008 that detailed, for a<br/> 5 three-year period from 2003 to 2007, overdoses<br/> 6 in Ohio. It detailed counts by both the type of<br/> 7 medication the overdose was attributed to, the<br/> 8 breakdown between male and female. And then I<br/> 9 found a more current study that went into detail<br/> 10 with breakdowns of both prescription and<br/> 11 illegal-based opiates and other substances, and<br/> 12 that one focused on the death rates from those<br/> 13 particular substances.<br/> 14 Q. Anything else?<br/> 15 A. That's probably the main gist of<br/> 16 what I got out of those reports.<br/> 17 Q. Okay. So turning to the first<br/> 18 report --<br/> 19 A. Yes.<br/> 20 Q. -- that you remember reading about<br/> 21 last night on this website, who issued this<br/> 22 report back in 2007 or 2008?<br/> 23 A. The Ohio Department of Health.<br/> 24 Q. Which part?<br/> 25 A. What do you mean by "which part"?</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 Q. Which division within Ohio<br/>2 Department of Health issued the report?<br/>3 A. I don't know offhand.<br/>4 Q. And where did it get the data that<br/>5 it was reporting on?<br/>6 A. It was data that both it had<br/>7 compiled, the CDC had compiled, and data the<br/>8 Ohio -- you know, it was data also that the Ohio<br/>9 Hospital Association had compiled.<br/>10 Q. And as you remember it, the report<br/>11 was issued in 2007 or 2008?<br/>12 A. Yes.<br/>13 Q. And it was based on data collected<br/>14 from the period of 2003 to 2007?<br/>15 A. Yes.<br/>16 Q. And you said it reported on<br/>17 overdoses in Ohio?<br/>18 A. Yes.<br/>19 Q. Did it break out the overdoses by<br/>20 jurisdiction within Ohio?<br/>21 A. That one did not.<br/>22 Q. So this was statewide?<br/>23 A. Yes.<br/>24 Q. Okay. And did it list the number of<br/>25 overdoses in Ohio each year from 2003 to 2007?</p> | <p style="text-align: right;">Page 36</p> <p>1 A. Yes.<br/>2 Q. Heroin?<br/>3 A. Yes.<br/>4 Q. Benzodiazepine?<br/>5 A. Yes.<br/>6 Q. Any other groupings you remember?<br/>7 A. There were others on there. I don't<br/>8 recall.<br/>9 Q. And so within each grouping, it<br/>10 would list the total number of overdoses in Ohio<br/>11 from 2003 to 2007?<br/>12 A. Yes.<br/>13 Q. And then for the prescription opioid<br/>14 grouping, did it list what drugs were included?<br/>15 A. It did not.<br/>16 Now, I do believe -- so I may have<br/>17 been at the public health site first, as I think<br/>18 through this, because I believe that table<br/>19 listed the Ohio Hospital Association as the<br/>20 source, which is what led me to the Ohio<br/>21 Hospital Association website, looking for more<br/>22 detail.<br/>23 Q. And when it listed overdoses in a<br/>24 particular group, how did an overdose end up in<br/>25 that group? What was the standard for putting</p>                    |
| <p style="text-align: right;">Page 35</p> <p>1 A. It had a composite for that<br/>2 four-year period.<br/>3 Q. So it gave the total number of<br/>4 overdoses for that period of 2003 to 2007?<br/>5 A. Yes.<br/>6 Q. And were these overdoses on all<br/>7 drugs or particular types of drugs?<br/>8 A. Particular -- well, all drugs,<br/>9 groupings of drugs.<br/>10 Q. Okay. And what were the groupings<br/>11 of drugs?<br/>12 A. They had prescription opiates. They<br/>13 did specifically list cocaine, heroin,<br/>14 benzodiazepine. I'm trying to remember what<br/>15 else. There may have been a few other things on<br/>16 the list.<br/>17 Q. Okay. So it would, as you recall<br/>18 it, give the total number of overdoses in Ohio<br/>19 between 2003 and 2007 as grouped by drug or<br/>20 grouping of drug?<br/>21 A. Yes.<br/>22 Q. Okay. And the groupings you<br/>23 remember were prescription opioids?<br/>24 A. Yes.<br/>25 Q. Cocaine?</p>     | <p style="text-align: right;">Page 37</p> <p>1 it in a particular group?<br/>2 A. I do not know.<br/>3 Q. So was it where the overdose was<br/>4 attributable to use of a particular drug or<br/>5 where a particular drug was detected in the<br/>6 autopsy or where someone had reported prior use?<br/>7 MR. PENDELL: Objection.<br/>8 A. Any answer --<br/>9 MR. PENDELL: Just give me a chance<br/>10 to object. Objection to form.<br/>11 Go ahead.<br/>12 A. I could only assume.<br/>13 Q. And for this report did it break out<br/>14 the number of overdoses per year within that<br/>15 2003 to 2007 time period?<br/>16 A. No.<br/>17 Q. So it was just for that period?<br/>18 A. Yes.<br/>19 Q. Do you remember anything else about<br/>20 this 2007 or 2008 report beyond what you've<br/>21 said?<br/>22 A. No. That was the main thing.<br/>23 Q. Then you said, in looking at the<br/>24 website of the Ohio Department of Health last<br/>25 night, you also looked at a second report which</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 you described as current?</p> <p>2 A. Yes.</p> <p>3 Q. When was that report issued?</p> <p>4 A. I believe it was -- it was either --</p> <p>5 I think it was issued in 2018.</p> <p>6 Q. And who issued it?</p> <p>7 A. The Ohio Department of Health. I</p> <p>8 don't know what division in particular.</p> <p>9 Q. Where did it get the data that was</p> <p>10 included in this report?</p> <p>11 A. It was data that I believe it has</p> <p>12 compiled. I don't -- I'm sure there were</p> <p>13 sources listed in the report, but I didn't go to</p> <p>14 those source listings.</p> <p>15 Q. And what period of time does this</p> <p>16 report cover?</p> <p>17 A. It covered 2010 -- at least the</p> <p>18 information specifically that I was looking at,</p> <p>19 2010 through either '16 or '17.</p> <p>20 Q. And what did it report for that time</p> <p>21 period?</p> <p>22 A. So the thing that caught my</p> <p>23 attention in this report were some tables they</p> <p>24 had, some charts, that showed the number of</p> <p>25 overdose deaths in Ohio and the cause broken</p>  | <p style="text-align: right;">Page 40</p> <p>1 you understood this report to say that in 2010,</p> <p>2 40 percent of the overdose deaths in Ohio were</p> <p>3 attributable to prescription opioids?</p> <p>4 A. Yes.</p> <p>5 Q. And that that number went down each</p> <p>6 year from 2010 to 2016?</p> <p>7 A. Yes.</p> <p>8 Q. And so what was the number in 2016?</p> <p>9 A. So in 2016 that number was 20</p> <p>10 percent, and from there I went on to read the</p> <p>11 narrative, which more fully described what</p> <p>12 happened in 2016.</p> <p>13 Q. Did it provide a percentage for</p> <p>14 2017?</p> <p>15 A. I don't believe it did.</p> <p>16 Q. And during the same time period,</p> <p>17 2010 to 2016, you say that the percentage of</p> <p>18 overdose deaths in Ohio attributable to heroin</p> <p>19 increased?</p> <p>20 A. It did.</p> <p>21 Q. The percentage of overdose deaths in</p> <p>22 Ohio during this time period attributable to</p> <p>23 cocaine increased?</p> <p>24 A. It did.</p> <p>25 Q. And the percentage of overdose</p>  |
| <p style="text-align: right;">Page 39</p> <p>1 down into categories from 2010 through, I</p> <p>2 believe, 2016. I don't think it included '17.</p> <p>3 And those categories broke them down between</p> <p>4 prescription opioids, heroin, cocaine, fentanyl.</p> <p>5 And I don't remember what the other groupings --</p> <p>6 there may have been just an "other" category as</p> <p>7 well. I don't recall specifically.</p> <p>8 Q. Okay. You remember categories of</p> <p>9 prescription, heroin, cocaine, fentanyl and</p> <p>10 perhaps others?</p> <p>11 A. Yes.</p> <p>12 Q. And what did it report about the</p> <p>13 number of overdose deaths in Ohio during this</p> <p>14 time period in each category?</p> <p>15 A. It was interesting to me because</p> <p>16 there was also some narrative that accompanied</p> <p>17 this chart. In 2010, 40 percent of the</p> <p>18 overdoses in that year, on that chart, were</p> <p>19 attributed to prescription opioids. Now, that</p> <p>20 number declined from 2010 through 2016 as, in</p> <p>21 particular, fentanyl essentially, I guess the</p> <p>22 term would be skyrocketed, and cocaine and</p> <p>23 heroin also increased during that period as</p> <p>24 well.</p> <p>25 Q. So if I understand you correctly,</p> | <p style="text-align: right;">Page 41</p> <p>1 deaths in Ohio attributable to fentanyl</p> <p>2 skyrocketed?</p> <p>3 A. Yes.</p> <p>4 Q. So from 2010 to 2016 how did the</p> <p>5 percentages change for heroin? I know you said</p> <p>6 it increased, but from what to what?</p> <p>7 A. I don't recall. I didn't key in on</p> <p>8 that statistic, nor did I with the other -- the</p> <p>9 other non-prescription statistics, but they did</p> <p>10 increase.</p> <p>11 Q. So you don't remember what the</p> <p>12 percentages were in 2010 or 2016 for heroin,</p> <p>13 cocaine, fentanyl or the other category?</p> <p>14 A. No. The thing I noticed with</p> <p>15 fentanyl is that it really wasn't even on the --</p> <p>16 on the radar, on the chart, until maybe 2014 or</p> <p>17 '15.</p> <p>18 Q. Okay. And then focusing on the</p> <p>19 prescription opioids category, as you remember</p> <p>20 it, based on looking at this website --</p> <p>21 A. Yes.</p> <p>22 Q. -- did it break out the percentage</p> <p>23 of overdoses on a prescription opioid that had</p> <p>24 been prescribed to the decedent versus the</p> <p>25 percentage of overdoses on a prescription opioid</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 that the decedent had gotten somewhere else?</p> <p>2 A. It did go on to say that in 2016, I</p> <p>3 believe the number was 836 of the 4,000 and some</p> <p>4 overdose deaths in Ohio, 20 point something</p> <p>5 percent had -- were attributed to a situation</p> <p>6 where the person who overdosed had received a</p> <p>7 prescription opioid within the previous, I think</p> <p>8 it was, 90 days prior to their death.</p> <p>9 Q. That's what you remember the report</p> <p>10 saying?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And did it give a similar</p> <p>13 percentage for 2010?</p> <p>14 A. Did not.</p> <p>15 Q. Or other years between 2010 and</p> <p>16 2016?</p> <p>17 A. It did not.</p> <p>18 Q. So you recall that it said 20 point</p> <p>19 something percent of the overdose deaths in Ohio</p> <p>20 in 2016 were attributable to a situation where a</p> <p>21 person had a prescription for an opioid within</p> <p>22 the prior 90 days?</p> <p>23 A. I believe it was 90 days.</p> <p>24 Q. Did it say that those people who had</p> <p>25 died from an overdose had overdosed on a</p>                          | <p style="text-align: right;">Page 44</p> <p>1 the number of deaths that they had prescription</p> <p>2 opioids as a cause was 40 percent. It had</p> <p>3 dropped to 20. They went on to describe the</p> <p>4 fact that the OARRS data system in Ohio, along</p> <p>5 with other efforts on education, law</p> <p>6 enforcement, had helped create a decline in the</p> <p>7 number of deaths related to opiates, opiate --</p> <p>8 prescription-based opiates, but certainly led</p> <p>9 you to believe that when you see the</p> <p>10 skyrocketing of fentanyl, heroin and these other</p> <p>11 drugs, that -- they also went on to talk about</p> <p>12 a, roughly, 20 percent reduction in the number</p> <p>13 of prescriptions prescribed between 2010 and</p> <p>14 2016, but it certainly tied the correlation that</p> <p>15 the illegal drug overdose deaths -- there is a</p> <p>16 correlation there -- at least that was my</p> <p>17 walk-away from it -- between that time period in</p> <p>18 2015, when OARRS became mandatory.</p> <p>19 And they did cite statistics that in</p> <p>20 2011 there were only 1.8 million reviews of the</p> <p>21 OARRS database. That number had grown to over</p> <p>22 24 million by 2015 or '16. And during that same</p> <p>23 time, the number of prescriptions issued had</p> <p>24 decreased by 20 percent, and beginning in 2015</p> <p>25 and 2016 you see the skyrocketing of the</p> |
| <p style="text-align: right;">Page 43</p> <p>1 prescription opioid?</p> <p>2 A. I don't believe it specifically said</p> <p>3 that.</p> <p>4 Q. Okay. So where it gave a percentage</p> <p>5 at least for 2016, that percentage was the</p> <p>6 percentage of people who had overdosed and died</p> <p>7 from an overdose in Ohio where the person had a</p> <p>8 prescription for a prescription opioid within</p> <p>9 the prior 90 days?</p> <p>10 A. Correct.</p> <p>11 Q. It did not say that those people</p> <p>12 overdosed on a prescription opioid?</p> <p>13 A. I do not believe it said that.</p> <p>14 Q. And did it say that for any prior</p> <p>15 year going back to 2010?</p> <p>16 A. I do not believe so.</p> <p>17 Q. Anything else you remember about</p> <p>18 your research on the Ohio Department of Health</p> <p>19 website to prepare for today's deposition?</p> <p>20 A. Well, yeah.</p> <p>21 So in that analysis of the 2016</p> <p>22 data, the Ohio Department of Health further went</p> <p>23 on to discuss efforts that had been made in the</p> <p>24 state of Ohio, which they felt have helped</p> <p>25 reduce those -- as you recall, I said in 2010</p> | <p style="text-align: right;">Page 45</p> <p>1 fentanyl and the other illegal drugs, which ties</p> <p>2 into the data we see at the county with the</p> <p>3 number of overdoses taking off at that point as</p> <p>4 well.</p> <p>5 Q. So if I understand you correctly,</p> <p>6 based on your review of this report on the Ohio</p> <p>7 Department of Health website, the existence of</p> <p>8 OARRS and the use of OARRS helped reduce the</p> <p>9 number of prescriptions for prescription</p> <p>10 opioids?</p> <p>11 A. That was my take-away from that</p> <p>12 report.</p> <p>13 Q. And which then contributed to</p> <p>14 reducing the number of overdoses on prescription</p> <p>15 opioids?</p> <p>16 A. That was my take-away.</p> <p>17 Q. And reduced the percentage or the</p> <p>18 number of overdoses where the person had a</p> <p>19 prescription opioid in the past?</p> <p>20 A. Say that last one again.</p> <p>21 Q. And that the existence of OARRS and</p> <p>22 the use of OARRS further reduced the number of</p> <p>23 overdoses where the decedent had a prescription</p> <p>24 opioid in the past?</p> <p>25 A. That was my take-away, yes.</p>   |

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| <p style="text-align: right;">Page 46</p> <p>1 Q. Did you compile any of the data that</p> <p>2 was reported in either of these reports on the</p> <p>3 website?</p> <p>4 A. I did not.</p> <p>5 Q. Did you analyze the data to compile</p> <p>6 any of the statistics that were posted on this</p> <p>7 website?</p> <p>8 A. I did not.</p> <p>9 Q. And did you participate in the</p> <p>10 drafting of the narrative or the analysis of the</p> <p>11 statistics?</p> <p>12 A. I did not.</p> <p>13 Q. Did you talk to anyone at the Ohio</p> <p>14 Department of Health or anyone else who compiled</p> <p>15 the data that is included in these reports?</p> <p>16 A. I did not.</p> <p>17 Q. Did you talk to anyone at the Ohio</p> <p>18 Department of Health or anyone else who analyzed</p> <p>19 the data to compile the statistics?</p> <p>20 A. I did not.</p> <p>21 Q. And did you talk to anyone at the</p> <p>22 Ohio Department of Health or anywhere else about</p> <p>23 the narrative or analysis that discussed these</p> <p>24 statistics?</p> <p>25 A. I did not. I just read these</p>   | <p style="text-align: right;">Page 48</p> <p>1 Summit County was not -- was what I</p> <p>2 would call second tier in the groupings on the</p> <p>3 number of overdose deaths of the counties, which</p> <p>4 I think probably goes a long way to the efforts</p> <p>5 of the public safety officials to treat people</p> <p>6 and administer drugs to save lives.</p> <p>7 In one of those two reports, and I</p> <p>8 think it was the Ohio Hospital Association</p> <p>9 report, there was also a statistic that Ohio was</p> <p>10 second -- or it might have been the Department</p> <p>11 of Health because it was on deaths -- second in</p> <p>12 the per capita in the country behind West</p> <p>13 Virginia with the number of overdose deaths per</p> <p>14 capita.</p> <p>15 Q. You mentioned in your deposition in</p> <p>16 December that you had participated in a meeting</p> <p>17 with a number of people other than lawyers for</p> <p>18 Summit County.</p> <p>19 Do you recall that --</p> <p>20 A. Yes.</p> <p>21 Q. -- testimony?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Can you describe for me the</p> <p>24 meeting you had with representatives from</p> <p>25 different departments in the Summit County</p> |
| <p style="text-align: right;">Page 47</p> <p>1 reports last night, so no, I have not had an</p> <p>2 opportunity to do anything like that.</p> <p>3 Q. So what you've described today is</p> <p>4 your take-away based on your reading of the</p> <p>5 websites last night?</p> <p>6 A. That's correct.</p> <p>7 There is one other thing on -- I</p> <p>8 believe it was on the Ohio Hospital Association.</p> <p>9 They had a white paper that accompanied these</p> <p>10 statistics, which was the one report I referred</p> <p>11 to with the estimates of -- by 2025 of -- based</p> <p>12 on trend, of 90,000 overdose cases per year.</p> <p>13 But they had a chart in there of the</p> <p>14 State of Ohio by county, and they had them</p> <p>15 categorized based on the number of overdoses per</p> <p>16 10,000 residents and the number of overdoses --</p> <p>17 overdose deaths per 100,000 residents. And</p> <p>18 Summit County and Fayette County were the two</p> <p>19 highest counties on the number of overdoses per</p> <p>20 10,000 residents in the State of Ohio. They</p> <p>21 were specifically coded in black.</p> <p>22 Q. At what point in time?</p> <p>23 A. I don't recall. I would -- I don't</p> <p>24 recall. It was probably either '16 or '17, but</p> <p>25 I don't recall specifically.</p> | <p style="text-align: right;">Page 49</p> <p>1 government?</p> <p>2 A. Yes.</p> <p>3 Q. Who did you meet with?</p> <p>4 A. To be clear, the attorneys were</p> <p>5 present in that meeting.</p> <p>6 Q. Understood. But you said there were</p> <p>7 non-attorneys who participated as well?</p> <p>8 A. That's correct.</p> <p>9 Q. Who attended that meeting?</p> <p>10 A. Jerry Craig from the ADM Board, Jen</p> <p>11 Peveich from the ADM Board, Julie Barnes from</p> <p>12 Children Services, Darin Kearns from Children</p> <p>13 Services, Donna Skoda from the Public Health</p> <p>14 Department, Angela Burgess from the Public</p> <p>15 Health Department. I don't recall if there was</p> <p>16 anybody else there or not.</p> <p>17 Q. And how long was this meeting?</p> <p>18 A. Probably about an hour and a half.</p> <p>19 Q. When was the meeting?</p> <p>20 A. Late November maybe.</p> <p>21 Q. And did you participate in this</p> <p>22 meeting to prepare for your deposition as a</p> <p>23 corporate representative for Summit County?</p> <p>24 A. Yes.</p> <p>25 Q. So what did you learn from</p>   |



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| <p style="text-align: right;">Page 50</p> <p>1 Ms. Barnes in that meeting?</p> <p>2 A. In the meeting itself, essentially</p> <p>3 we sat and talked about the statistics for CSB</p> <p>4 on the number of cases that -- the number of</p> <p>5 placement, child placement cases, that were</p> <p>6 attributable to opiate -- opiates, and also</p> <p>7 talked about the rise in placement costs, the --</p> <p>8 and the dollars spent on those placement costs,</p> <p>9 along with staff costs.</p> <p>10 Q. Did you review any documents with</p> <p>11 Ms. Barnes about these topics you just listed?</p> <p>12 A. I don't recall if we had documents</p> <p>13 specifically with us.</p> <p>14 Q. And did you get any documents from</p> <p>15 Ms. Barnes or anyone at Children Services after</p> <p>16 the meeting?</p> <p>17 A. I have, yes.</p> <p>18 Q. What documents did you get?</p> <p>19 A. Analysis on cases and a breakdown of</p> <p>20 spending tied to those cases.</p> <p>21 Q. Is that the document we reviewed in</p> <p>22 your deposition in December?</p> <p>23 A. It's probably -- that was probably</p> <p>24 the original basis for further investigation</p> <p>25 into what was -- what those trends at CSB truly</p> | <p style="text-align: right;">Page 52</p> <p>1 9:58.</p> <p>2 (Recess had.)</p> <p>3 THE VIDEOGRAPHER: We're on the</p> <p>4 record, 10:27.</p> <p>5 BY MR. KEYES:</p> <p>6 Q. So during the meeting that you had</p> <p>7 with Ms. Barnes, what did she say about the</p> <p>8 number of placement cases attributable to</p> <p>9 opiates?</p> <p>10 A. So at that meeting we discussed the</p> <p>11 fact that they had done an analysis in their</p> <p>12 SACWIS system of the number of placements in the</p> <p>13 years -- I think it was like 2014, '15, '16,</p> <p>14 '17.</p> <p>15 Q. Who did the analysis?</p> <p>16 A. Employees at Children Services.</p> <p>17 Q. Which ones?</p> <p>18 A. I don't know.</p> <p>19 Q. And what statistics did they compile</p> <p>20 based on this analysis of placements?</p> <p>21 A. So some of the years were a little</p> <p>22 inconclusive. They had not, "they" being the</p> <p>23 Summit County Children Services agency and the</p> <p>24 State of Ohio, had not required data related to</p> <p>25 opioids to be entered into SACWIS, so --</p>         |
| <p style="text-align: right;">Page 51</p> <p>1 look like. So I would call that document we</p> <p>2 reviewed at my last deposition one of the</p> <p>3 preliminary, as we first started the fact</p> <p>4 gathering, documents.</p> <p>5 Q. But then after your meeting with</p> <p>6 Ms. Barnes, you got subsequent reports that were</p> <p>7 more current?</p> <p>8 A. Yes.</p> <p>9 Q. So during the meeting that you had</p> <p>10 with Ms. Barnes, what did she say about the</p> <p>11 number of placement cases attributable to</p> <p>12 opiates?</p> <p>13 A. Can I request a break for a second?</p> <p>14 Q. Yes. Can you answer my question</p> <p>15 first, though?</p> <p>16 MR. PENDELL: Are you concerned that</p> <p>17 this implicates work product or privilege?</p> <p>18 THE WITNESS: Yes.</p> <p>19 MR. PENDELL: Okay. So then I'm</p> <p>20 going to request that you not answer that</p> <p>21 question so we can talk about it at the break</p> <p>22 and possibly answer your question.</p> <p>23 MR. KEYES: Okay. Let's take a</p> <p>24 break.</p> <p>25 THE VIDEOGRAPHER: Off the record,</p>  | <p style="text-align: right;">Page 53</p> <p>1 sometime until, I think it was, late 2015 or so.</p> <p>2 So 2016 was probably the first reliable year</p> <p>3 that we could look at the SACWIS data and have</p> <p>4 truly available information in the database to</p> <p>5 tell us how many of those cases were opiate</p> <p>6 related. And the number for 2016 was roughly 27</p> <p>7 percent, I believe.</p> <p>8 Q. You recall that Ms. Barnes shared</p> <p>9 with you at this meeting that for the year 2016,</p> <p>10 27 percent of the placements were opiate</p> <p>11 related?</p> <p>12 A. Yes.</p> <p>13 Q. According to this review by Children</p> <p>14 Services employees of the SACWIS database?</p> <p>15 A. Yes.</p> <p>16 Q. And did she share with you a</p> <p>17 statistic for 2017?</p> <p>18 A. Yes. I think that one was -- it was</p> <p>19 in the 20 percent range, too. I don't recall</p> <p>20 exactly.</p> <p>21 Q. Did she share with you a statistic</p> <p>22 for 2015?</p> <p>23 A. She did.</p> <p>24 Q. What was it?</p> <p>25 A. I don't recall that. It was lower</p> |



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| <p style="text-align: right;">Page 54</p> <p>1 than 20 percent.</p> <p>2 Q. Did she share with you a statistic</p> <p>3 for 2014?</p> <p>4 A. She did. And, again, it was lower</p> <p>5 than 20 percent. I don't recall the exact</p> <p>6 number.</p> <p>7 Q. Did she share a statistic for any</p> <p>8 year prior to 2014?</p> <p>9 A. I don't believe so.</p> <p>10 Q. So if I understand you correctly, in</p> <p>11 your meeting with Ms. Barnes, she shared with</p> <p>12 you that, according to this review by Children</p> <p>13 Services employees of SACWIS data, they</p> <p>14 concluded that in 2014 and 2015 less than 20</p> <p>15 percent of the placements were opioid related,</p> <p>16 correct?</p> <p>17 MR. PENDELL: Objection to form.</p> <p>18 A. They did, but they also indicated</p> <p>19 that that data was incomplete and probably</p> <p>20 likely understated.</p> <p>21 Q. That the percentage of placements</p> <p>22 that were opiate related in 2016 was 27 percent?</p> <p>23 A. Yes.</p> <p>24 Q. And that the percentage of</p> <p>25 placements that were opiate related in 2017 was</p>  | <p style="text-align: right;">Page 56</p> <p>1 the percentages that Ms. Barnes disclosed to you</p> <p>2 at that meeting?</p> <p>3 A. Yes.</p> <p>4 Q. Then earlier you said that after the</p> <p>5 meeting you got subsequent reports that were</p> <p>6 more current, correct?</p> <p>7 A. Not as it relates to the SACWIS</p> <p>8 data, no.</p> <p>9 Q. After the meeting with Ms. Barnes</p> <p>10 did you get any further reports that were based</p> <p>11 on SACWIS data?</p> <p>12 A. We, at the meeting, discussed the</p> <p>13 SACWIS data. We also discussed in our original</p> <p>14 analysis costs that -- that both were included</p> <p>15 and costs that I began to ask them about that</p> <p>16 were not included in that original data; and at</p> <p>17 the direction of counsel, we asked them to</p> <p>18 revise cost estimates based on all of that new</p> <p>19 information.</p> <p>20 Q. Okay. So what costs were included</p> <p>21 in the figures that Ms. Barnes shared with you</p> <p>22 at the meeting?</p> <p>23 A. Placement costs primarily, and there</p> <p>24 was a category of smaller child care-related</p> <p>25 costs that they had originally included.</p> |
| <p style="text-align: right;">Page 55</p> <p>1 in the 20 percent range?</p> <p>2 A. Yes.</p> <p>3 Q. And did she provide a statistic for</p> <p>4 2018?</p> <p>5 A. No.</p> <p>6 Q. Did Ms. Barnes share with you in</p> <p>7 this meeting any further data or statistics</p> <p>8 about the number of placement cases or the</p> <p>9 percentage of placement cases that were</p> <p>10 attributable to opioids?</p> <p>11 A. They had data on both total</p> <p>12 placements and then the number of placements</p> <p>13 attributable to opioids. That was the extent of</p> <p>14 the statistics they provided.</p> <p>15 Q. Did Ms. Barnes give you any</p> <p>16 documents during this meeting to substantiate or</p> <p>17 provide context for any of these statistics?</p> <p>18 A. I don't recall if they gave us a</p> <p>19 document at the meeting. We may -- I may have</p> <p>20 received that document prior to the meeting,</p> <p>21 which was -- one of the things, I think, that</p> <p>22 prompted the meeting was getting at what this</p> <p>23 data means and what's been included and not</p> <p>24 included in the original analysis that we did.</p> <p>25 Q. And did that document square with</p> | <p style="text-align: right;">Page 57</p> <p>1 Q. And what costs weren't included?</p> <p>2 A. Primarily personnel costs for CSB</p> <p>3 staff, travel costs for CSB staff, training</p> <p>4 costs for CSB staff. None of those costs -- and</p> <p>5 those were the major ones. There might be some</p> <p>6 minor ones, but those were the major ones that</p> <p>7 had never been included in the analysis.</p> <p>8 Q. Did Children Services go back and</p> <p>9 perform any kind of review of data or files to</p> <p>10 identify or calculate personnel costs?</p> <p>11 A. At the direction of counsel, they</p> <p>12 did.</p> <p>13 Q. Did they do it for travel costs?</p> <p>14 A. They did.</p> <p>15 Q. Did they do it for training costs?</p> <p>16 A. They did.</p> <p>17 Q. And did you subsequently get any</p> <p>18 report or information showing what those</p> <p>19 personnel costs, travel costs or training costs</p> <p>20 were?</p> <p>21 A. They did provide to counsel reports.</p> <p>22 Q. Did they provide it to you?</p> <p>23 A. I was cc'd on that e-mail.</p> <p>24 Q. Okay. So what were the personnel</p> <p>25 costs that were calculated after this meeting?</p>   |

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| <p style="text-align: right;">Page 58</p> <p>1 MR. PENDELL: Objection.<br/> 2 I'm going to instruct you not to<br/> 3 answer that on the grounds of privileged work<br/> 4 product.<br/> 5 A. I've been instructed not to answer.<br/> 6 Q. What were the travel costs that were<br/> 7 calculated after this meeting?<br/> 8 MR. PENDELL: Same instruction.<br/> 9 A. I've been instructed not to answer.<br/> 10 Q. What were the training costs that<br/> 11 were calculated after this meeting?<br/> 12 MR. PENDELL: Same instruction.<br/> 13 A. I've been instructed not to answer.<br/> 14 Q. Did you get any reports after this<br/> 15 meeting relating to any review of the SACWIS<br/> 16 data regarding the number of placement cases or<br/> 17 the percentage of placement cases that were<br/> 18 attributable to opioids?<br/> 19 A. After the meeting?<br/> 20 Q. Yes.<br/> 21 A. Only -- it was the same statistics<br/> 22 that were provided before the meeting and were<br/> 23 now included in the reports provided to counsel.<br/> 24 Q. How many reports were provided to<br/> 25 counsel after the meeting?</p> | <p style="text-align: right;">Page 60</p> <p>1 A. Like the physical files themselves<br/> 2 you're --<br/> 3 Q. Whatever case files are specific to<br/> 4 individual placements as opposed to whatever is<br/> 5 in the SACWIS database.<br/> 6 A. The only discussion we had was<br/> 7 centered on the SACWIS database.<br/> 8 Q. So during your meeting with<br/> 9 Ms. Barnes and others, did you learn anything<br/> 10 about whether anyone had reviewed individual<br/> 11 case files?<br/> 12 A. I did not learn whether anybody had<br/> 13 reviewed individual case files beyond the data<br/> 14 provided from SACWIS.<br/> 15 Q. Now, you said Darin Kearns was also<br/> 16 at this meeting?<br/> 17 A. He was.<br/> 18 Q. Did Darin Kearns provide any other<br/> 19 information about the attempt to determine the<br/> 20 number of placement cases or the percentage of<br/> 21 placement cases that are attributable to opioids<br/> 22 or were opioid related?<br/> 23 A. Nothing beyond what we've already<br/> 24 discussed.<br/> 25 Q. You said earlier that Ms. Barnes</p> |
| <p style="text-align: right;">Page 59</p> <p>1 A. The report, I should say, is<br/> 2 probably more accurate.<br/> 3 Q. Okay. Were the statistics in this<br/> 4 report that was provided after the meeting<br/> 5 different than the statistics you described<br/> 6 Ms. Barnes sharing during the meeting?<br/> 7 MR. PENDELL: Objection.<br/> 8 Hold on one second.<br/> 9 You can answer that question.<br/> 10 A. They were not different.<br/> 11 Q. Did you discuss with Ms. Barnes at<br/> 12 the meeting any review of case files to<br/> 13 determine the number of placement cases or the<br/> 14 percentage of placement cases that are<br/> 15 attributable to opioids?<br/> 16 A. I'm not sure I know -- I'm not<br/> 17 following that question.<br/> 18 Q. Sure.<br/> 19 You've described that the statistics<br/> 20 that she shared with you were based on the<br/> 21 review of the SACWIS data, correct?<br/> 22 A. Yes.<br/> 23 Q. I'm asking whether she shared with<br/> 24 you any information about a review of case<br/> 25 files.</p>  | <p style="text-align: right;">Page 61</p> <p>1 also discussed with you at this meeting the rise<br/> 2 in placement costs and the dollars spent on<br/> 3 staff.<br/> 4 Do you recall that?<br/> 5 A. Correct.<br/> 6 Q. What did Ms. Barnes tell you about<br/> 7 the rise in placement costs?<br/> 8 A. Nothing, I believe, that wasn't<br/> 9 already outlined in my first deposition about<br/> 10 the increasing dollars being spent on placement<br/> 11 costs.<br/> 12 Q. What did Ms. Barnes tell you about<br/> 13 the dollars spent on staff costs?<br/> 14 A. That was provided to counsel as part<br/> 15 of the report at their direction.<br/> 16 Q. This is the report that was provided<br/> 17 after this meeting?<br/> 18 A. Yes.<br/> 19 Q. So focusing on the meeting --<br/> 20 A. In the meeting itself we didn't<br/> 21 discuss specific dollar amounts. We asked them<br/> 22 to go back and review that information.<br/> 23 Q. Even if you didn't discuss specific<br/> 24 dollar amounts, was there a discussion about<br/> 25 staff costs?</p>                        |

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| <p style="text-align: right;">Page 62</p> <p>1 A. Only that they weren't included.</p> <p>2 Q. Did you discuss with Mr. Kearns at</p> <p>3 this meeting anything about the rise in</p> <p>4 placement costs?</p> <p>5 A. I don't believe so, no.</p> <p>6 Q. Did you discuss with Mr. Kearns at</p> <p>7 this meeting anything about staff costs for</p> <p>8 Children Services?</p> <p>9 A. So this meeting itself was a</p> <p>10 general, kind of like this open meeting, where</p> <p>11 everybody was discussing statistics, those</p> <p>12 SACWIS statistics, things that were included,</p> <p>13 not included. We did not get into -- we did not</p> <p>14 get into any individual cost pools, other than</p> <p>15 identifying what cost pools had and had not been</p> <p>16 included in previous analyses.</p> <p>17 Q. And did you identify for me all of</p> <p>18 the cost pools that were not included in the</p> <p>19 prior analyses, namely, personnel costs, travel</p> <p>20 costs and training costs?</p> <p>21 A. I believe so. There may have been</p> <p>22 some minor ones, but those were certainly the</p> <p>23 largest of those.</p> <p>24 Q. So how many reports were given by</p> <p>25 Children Services to Summit County's counsel and</p> | <p style="text-align: right;">Page 64</p> <p>1 similar case management system. And I believe</p> <p>2 it was the IT system that they went back and</p> <p>3 reviewed for -- for opiate treatment costs, both</p> <p>4 dollars spent -- local dollars spent and federal</p> <p>5 and state dollars spent on opiate treatment.</p> <p>6 Q. What dollar figures did Mr. Craig</p> <p>7 share at this meeting about money spent on</p> <p>8 opiate treatment?</p> <p>9 A. They had compiled numbers that were</p> <p>10 in a report that, again, was provided to</p> <p>11 counsel, at counsel's direction. Again with ADM</p> <p>12 we began discussing cost centers that were not</p> <p>13 included in their original estimates.</p> <p>14 Q. Okay. So what cost centers were not</p> <p>15 included in their original estimates?</p> <p>16 A. Education costs, prevention costs,</p> <p>17 wrap-around service costs. There may have been</p> <p>18 one or two other more minor costs that had not</p> <p>19 originally been included.</p> <p>20 Q. So what costs were included in their</p> <p>21 estimates?</p> <p>22 A. Oh, staffing cost was another one</p> <p>23 that was not included. Just the cost of opiate</p> <p>24 treatment is what was included in their original</p> <p>25 estimates.</p> |
| <p style="text-align: right;">Page 63</p> <p>1 copied to you after this meeting regarding</p> <p>2 Children services?</p> <p>3 A. Given to Summit County counsel?</p> <p>4 Q. The lawyers.</p> <p>5 A. Oh, I'm thinking of the elected</p> <p>6 county council members.</p> <p>7 Q. I'm sorry. Legal counsel.</p> <p>8 A. I believe just one report.</p> <p>9 Q. And was that report given to Summit</p> <p>10 County's experts?</p> <p>11 A. I'm not -- I don't know the answer</p> <p>12 to that question. Not that I'm aware of.</p> <p>13 Q. You said that Mr. Craig participated</p> <p>14 in this meeting?</p> <p>15 A. Yes.</p> <p>16 Q. What is his position with the ADM</p> <p>17 Board?</p> <p>18 A. He's the director of the ADM Board.</p> <p>19 Q. And what did you learn from him at</p> <p>20 this meeting?</p> <p>21 A. We were provided, similar to CSB,</p> <p>22 actual caseload information as ADM had gone back</p> <p>23 and reviewed their case -- I don't know if they</p> <p>24 reviewed case files or their system. They have</p> <p>25 a different system than SACWIS, but it's a</p>  | <p style="text-align: right;">Page 65</p> <p>1 Q. And were you reviewing something in</p> <p>2 writing at this meeting that showed the original</p> <p>3 cost estimates?</p> <p>4 A. I believe we were, yes.</p> <p>5 Q. And what dollars were reflected in</p> <p>6 these cost estimates?</p> <p>7 MR. PENDELL: Objection. Form.</p> <p>8 One second.</p> <p>9 Andy, I hate to do this to you. Can</p> <p>10 we have two minutes?</p> <p>11 MR. KEYES: Sure.</p> <p>12 THE VIDEOGRAPHER: Off the record,</p> <p>13 10:44.</p> <p>14 (Recess had.)</p> <p>15 THE VIDEOGRAPHER: On the record,</p> <p>16 10:47.</p> <p>17 BY MR. KEYES:</p> <p>18 Q. What dollars were reflected in these</p> <p>19 cost estimates?</p> <p>20 A. I don't recall, but I do recall that</p> <p>21 those -- the documents related to ADM reviewed</p> <p>22 at that meeting were requested by counsel.</p> <p>23 Q. And what were the figures that were</p> <p>24 reflected? Even if you don't remember the</p> <p>25 dollar figures, what was it? It was the spend</p>   |

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| <p style="text-align: right;">Page 66</p> <p>1 by ADM that they said was opiate related?</p> <p>2 A. It was the spend. It was further</p> <p>3 analysis on the spend by ADM, and counsel had</p> <p>4 asked us to essentially take a deeper dive into</p> <p>5 ADM spending.</p> <p>6 Q. Counsel asked at that meeting to</p> <p>7 take a deeper dive?</p> <p>8 A. Counsel had asked prior to that</p> <p>9 meeting for us to take a deeper dive.</p> <p>10 Q. Okay. And then Mr. Craig brought to</p> <p>11 the meeting this report or he circulated it in</p> <p>12 advance?</p> <p>13 A. I believe it was circulated in</p> <p>14 advance.</p> <p>15 Q. How far in advance?</p> <p>16 A. That, I don't recall. A couple</p> <p>17 weeks maybe.</p> <p>18 Q. You said Jen Peveich was present at</p> <p>19 this meeting?</p> <p>20 A. Yes.</p> <p>21 Q. Did you discuss with her costs borne</p> <p>22 by the ADM Board that related to opiates?</p> <p>23 A. At the meeting?</p> <p>24 Q. Yes.</p> <p>25 A. Yes.</p>   | <p style="text-align: right;">Page 68</p> <p>1 than one report regarding costs related to</p> <p>2 opioids after that meeting?</p> <p>3 A. I believe it was just one report.</p> <p>4 Q. I am showing you what was previously</p> <p>5 marked as Nelsen Exhibit 8, and we'll mark this</p> <p>6 as Nelsen 30(b)(6) Number 2.</p> <p>7 - - - - -</p> <p>8 (Thereupon, Nelsen 30(b)(6)</p> <p>9 Deposition Exhibit 2, E-Mail from</p> <p>10 Jennifer Peveich to Bryan Herschel</p> <p>11 and Brian Nelsen, dated August 18,</p> <p>12 2017, with Attachment, Beginning</p> <p>13 Bates Number SUMMIT_001084232, was</p> <p>14 marked for purposes of</p> <p>15 identification.)</p> <p>16 - - - - -</p> <p>17 Q. We reviewed this in your deposition</p> <p>18 in December. Is that the report that you had</p> <p>19 received before the meeting and that was</p> <p>20 reviewed at the meeting, or are you describing</p> <p>21 something different?</p> <p>22 A. I believe this may have been --</p> <p>23 this -- I think this was the report they had</p> <p>24 prepared in our original analysis and not the</p> <p>25 version of data we looked at at the meeting.</p> |
| <p style="text-align: right;">Page 67</p> <p>1 Q. What did you learn from Ms. Peveich?</p> <p>2 A. Again, we discussed what costs had</p> <p>3 been included, what the new case review had</p> <p>4 turned up, and then, also, what costs were</p> <p>5 likely not included in the analysis that they</p> <p>6 had done.</p> <p>7 Q. Anything else you learned from</p> <p>8 Ms. Peveich regarding the ADM Board?</p> <p>9 A. No.</p> <p>10 Q. What is her position with the ADM</p> <p>11 Board?</p> <p>12 A. She's their either budget or finance</p> <p>13 director.</p> <p>14 Q. And after this meeting did the ADM</p> <p>15 Board prepare a report?</p> <p>16 A. They subsequently prepared, at the</p> <p>17 request of counsel, and submitted to counsel</p> <p>18 the -- a follow-up report.</p> <p>19 Q. And were you copied on that report?</p> <p>20 A. I was copied on that report.</p> <p>21 Q. And what did that report say?</p> <p>22 MR. PENDELL: Objection. Same</p> <p>23 instruction as earlier. Work product.</p> <p>24 A. I've been instructed not to answer.</p> <p>25 Q. Did the ADM Board circulate more</p> | <p style="text-align: right;">Page 69</p> <p>1 Q. Okay. So if I understand you</p> <p>2 correctly, what we've now marked as Nelsen</p> <p>3 30(b)(6) Exhibit Number 2 was prepared by the</p> <p>4 ADM Board?</p> <p>5 A. Yes.</p> <p>6 Q. To estimate the cost that it had</p> <p>7 incurred relating to opiates?</p> <p>8 A. Yes. This was our initial, first</p> <p>9 stab at coming up with costs related to ADM.</p> <p>10 Q. Subsequent to this exhibit, the ADM</p> <p>11 Board prepared an updated estimate of its costs</p> <p>12 that were related to opiates?</p> <p>13 A. Yes.</p> <p>14 Q. And that second report was reviewed</p> <p>15 at that meeting that you've described?</p> <p>16 A. I believe so.</p> <p>17 MR. PENDELL: Objection to form.</p> <p>18 A. I believe so.</p> <p>19 Q. And that second report was</p> <p>20 circulated in advance of that meeting?</p> <p>21 A. I believe it was.</p> <p>22 Q. So you had seen that second report</p> <p>23 before the meeting?</p> <p>24 A. I believe so.</p> <p>25 Q. And who else received a copy of that</p>   |

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| <p style="text-align: right;">Page 70</p> <p>1 second report before the meeting?</p> <p>2 A. Our counsel and myself.</p> <p>3 Q. And then that second report was</p> <p>4 reviewed by the group at the meeting?</p> <p>5 A. Yes.</p> <p>6 Q. And at that meeting the group</p> <p>7 identified costs that were not included in the</p> <p>8 second report?</p> <p>9 A. That's correct.</p> <p>10 Q. And you said there was a direction</p> <p>11 given to the ADM Board to then go estimate the</p> <p>12 costs for these other cost centers that were not</p> <p>13 included in either the first or the second</p> <p>14 report?</p> <p>15 A. That's my recollection, yes.</p> <p>16 Q. And such a report was prepared after</p> <p>17 the meeting?</p> <p>18 A. Yes.</p> <p>19 Q. And you were copied on it?</p> <p>20 A. Yes.</p> <p>21 Q. Was there any fourth report?</p> <p>22 A. I don't believe so.</p> <p>23 Q. You testified earlier that Donna</p> <p>24 Skoda was at this meeting?</p> <p>25 A. Yes.</p>                         | <p style="text-align: right;">Page 72</p> <p>1 Summit County Public Health?</p> <p>2 A. Yes.</p> <p>3 Q. For what?</p> <p>4 A. The Summit County ADM Board in</p> <p>5 particular supplies funding for them for some of</p> <p>6 their efforts, including efforts related to</p> <p>7 opiate abatement.</p> <p>8 Q. Okay. If I understood you</p> <p>9 correctly, you said the Summit County ADM Board</p> <p>10 provides funding to Summit County Public Health?</p> <p>11 A. Yes.</p> <p>12 Q. And the funding that it provides</p> <p>13 goes, in part, to providing opiate-related</p> <p>14 services?</p> <p>15 A. Yes.</p> <p>16 Q. Does Summit County itself give any</p> <p>17 funds to Summit County Public Health?</p> <p>18 MR. ARNOLD: Objection to form.</p> <p>19 A. Well, I guess that depends on what</p> <p>20 you classify as Summit County itself. There are</p> <p>21 agencies -- Job and Family Services provides</p> <p>22 Title 20 funding for senior services to public</p> <p>23 health. There are a host of programming things</p> <p>24 that Summit County provides funding to the</p> <p>25 Summit County Public Health Department for.</p>   |
| <p style="text-align: right;">Page 71</p> <p>1 Q. She is with the Public Health</p> <p>2 Department?</p> <p>3 A. She is.</p> <p>4 Q. What is her position?</p> <p>5 A. She's the director of public health.</p> <p>6 Q. And that's the director of public</p> <p>7 health for Summit County?</p> <p>8 A. For the Summit County Public -- what</p> <p>9 is their official name? Summit County Public</p> <p>10 Health.</p> <p>11 Q. And you testified in your deposition</p> <p>12 in December that Summit County Public Health is</p> <p>13 not a part of Summit County government, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Is that your testimony today?</p> <p>16 A. Yes.</p> <p>17 Q. And you testified in your deposition</p> <p>18 in December that Summit County does not</p> <p>19 contribute any funds to Summit County Public</p> <p>20 Health?</p> <p>21 A. Not general funds.</p> <p>22 Q. Okay. Is that still your testimony</p> <p>23 today?</p> <p>24 A. Yes.</p> <p>25 Q. Does Summit County pay any funds to</p> | <p style="text-align: right;">Page 73</p> <p>1 Q. Okay. Separate from whatever</p> <p>2 funding the ADM Board gives to Summit County</p> <p>3 Public Health, does Summit County give any money</p> <p>4 to Summit County Public Health to provide</p> <p>5 services related to opioids or opioid addiction?</p> <p>6 A. I have to think if there were any</p> <p>7 small grants. Summit County ADM would be the</p> <p>8 primary funder of opiate-related services to</p> <p>9 Summit County Public Health.</p> <p>10 Q. Can you think of any funds that</p> <p>11 Summit County gives to Summit County Public</p> <p>12 Health to provide services relating to opioids</p> <p>13 or opioid addiction beyond funds that may be</p> <p>14 contributed by the ADM Board?</p> <p>15 A. Off the top of my head, I cannot,</p> <p>16 though that doesn't mean there may not be,</p> <p>17 through the courts or some other entities, some</p> <p>18 smaller pots of funding.</p> <p>19 Q. What did you learn from Ms. Skoda at</p> <p>20 this meeting?</p> <p>21 A. With Ms. Skoda we discussed</p> <p>22 essentially what you're asking about, the</p> <p>23 various funding sources that flow through Summit</p> <p>24 County Public Health for opiate prevention, and</p> <p>25 then with her we also discussed the fact that</p> |



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| <p style="text-align: right;">Page 74</p> <p>1 they also had not reported staff time as part of<br/>2 their costs.<br/>3 Q. You said "they." You mean Summit<br/>4 County Public Health?<br/>5 A. "They" being Summit County Public<br/>6 Health, that's correct.<br/>7 Q. How much money per year does the ADM<br/>8 Board give to Summit County Public Health<br/>9 regarding opiates?<br/>10 A. It has varied, I think, from year to<br/>11 year. Generally, it's several hundred thousand<br/>12 dollars.<br/>13 Q. Was there ever a year where ADM gave<br/>14 more than several hundred thousand dollars to<br/>15 Summit County Public Health for opiates or<br/>16 opiate-related services?<br/>17 A. I don't recall specifically. 2015<br/>18 or 2016 may have been on the north side of the<br/>19 hundred thousands of dollar figure, I mean<br/>20 approaching somewhere between half a million and<br/>21 a million.<br/>22 One of the reasons I've never really<br/>23 focused a whole lot on that is those costs are<br/>24 also included in ADM's cost analysis as well.<br/>25 Q. Okay. So when you met with</p>  | <p style="text-align: right;">Page 76</p> <p>1 Q. And was this a report that was<br/>2 provided in advance of the meeting?<br/>3 A. I believe it was provided -- I think<br/>4 theirs was provided at the meeting, if I recall<br/>5 correctly.<br/>6 Q. And what did the report cover?<br/>7 A. Just funding sources related to<br/>8 opiate expenses.<br/>9 Q. And when you say "funding sources,"<br/>10 you mean who is contributing money and how much<br/>11 money is being contributed?<br/>12 A. That's correct.<br/>13 Q. To Summit County Public Health for<br/>14 opiate-related services?<br/>15 A. That's correct.<br/>16 Q. And you believe that that report was<br/>17 not circulated in advance of the meeting but was<br/>18 handed out at the meeting and discussed at the<br/>19 meeting?<br/>20 A. That's my recollection, yes.<br/>21 Q. And did Summit County Public Health<br/>22 then circulate a revised report after the<br/>23 meeting?<br/>24 A. Yes.<br/>25 Q. How many?</p>   |
| <p style="text-align: right;">Page 75</p> <p>1 Ms. Skoda, she described the various funding<br/>2 sources, you said through Summit County Public<br/>3 Health, to provide opiate-related services?<br/>4 A. Yes.<br/>5 Q. Okay. So what did she tell you<br/>6 about the dollars that Summit County Public<br/>7 Health receives from the ADM Board for<br/>8 opiate-related services?<br/>9 A. I don't know that she told me<br/>10 necessarily anything about them. Again, at the<br/>11 request of counsel, we had them provide us a<br/>12 list of the funding sources and dollars spent on<br/>13 opiate abatement through Summit County Public<br/>14 Health, and, again, at that meeting identified<br/>15 the costs that were not included for them. It<br/>16 was primarily personnel costs. And at the<br/>17 instruction of counsel, they prepared a<br/>18 follow-up analysis.<br/>19 Q. And what did you learn from<br/>20 Ms. Skoda about dollars that Summit County<br/>21 Public Health received from Summit County<br/>22 itself, not from the ADM Board, for<br/>23 opiate-related services?<br/>24 A. I don't recall. They would have<br/>25 been contained on that report that was provided.</p> | <p style="text-align: right;">Page 77</p> <p>1 A. Just one.<br/>2 Q. And were you copied on it?<br/>3 A. Yes, I was.<br/>4 Q. And what did that revised report say<br/>5 about funding that Summit County Public Health<br/>6 had received related to opiate services?<br/>7 MR. PENDELL: Objection. Same<br/>8 instruction as earlier.<br/>9 A. That report was provided to counsel,<br/>10 and I've been instructed by counsel not to<br/>11 answer.<br/>12 Q. So what is your best recollection of<br/>13 what the report that was discussed at this<br/>14 meeting said about the specific dollars that<br/>15 Summit County Public Health had received from<br/>16 Summit County, not ADM Board?<br/>17 MR. PENDELL: Objection. Same<br/>18 instruction.<br/>19 Q. I'm talking about the report that<br/>20 was discussed at the meeting. What did that say<br/>21 about the dollars that Summit County Public<br/>22 Health had received from Summit County, not the<br/>23 ADM Board?<br/>24 MR. PENDELL: Objection to form.<br/>25 A. I don't recall -- I don't recall if</p> |



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| <p style="text-align: right;">Page 78</p> <p>1 there were -- so, for instance, the Job and<br/> 2 Family Services dollars we talked about earlier<br/> 3 would have not been included in that report and<br/> 4 discussed at that meeting. I don't recall if<br/> 5 there were funding sources for opiates from<br/> 6 non-Summit County agencies on that report.<br/> 7 Q. And what did the report that was<br/> 8 discussed at that meeting say about the dollars<br/> 9 that had been received by Summit County Public<br/> 10 Health from the ADM Board for opiate-related<br/> 11 services?<br/> 12 MR. PENDELL: Objection to form.<br/> 13 A. It provided a listing of grants; and<br/> 14 in terms of the dollar amounts, I think I've<br/> 15 previously answered that question.<br/> 16 Q. Did you learn anything else from<br/> 17 Ms. Skoda at this meeting regarding the funding<br/> 18 that Summit County Public Health received for<br/> 19 opiate-related services?<br/> 20 A. Not above and beyond what was<br/> 21 contained in that report, or, as I mentioned<br/> 22 earlier, identified primarily personnel costs<br/> 23 that were not included in that report.<br/> 24 Q. Did this report from Summit County<br/> 25 Public Health identify the dollars that it spent</p> | <p style="text-align: right;">Page 80</p> <p>1 spends on opiate-related services?<br/> 2 MR. PENDELL: Objection to form.<br/> 3 A. Nothing more than we have already<br/> 4 discussed.<br/> 5 Q. When you got the report from<br/> 6 Children Services after this meeting, did you<br/> 7 discuss it with anyone?<br/> 8 A. I likely discussed -- I don't recall<br/> 9 specifically, but I believe I discussed with<br/> 10 counsel. I may have also discussed with Darin<br/> 11 Kearns, but I don't recall specifically.<br/> 12 Q. Do you remember anything about any<br/> 13 conversation with Ms. Barnes or Ms. Kearns --<br/> 14 Mr. Kearns about the report that was circulated<br/> 15 by Children Services after this meeting?<br/> 16 MR. PENDELL: Objection to form.<br/> 17 A. I don't remember the exact<br/> 18 conversations.<br/> 19 Q. When you received the report from<br/> 20 the ADM Board after this meeting, did you<br/> 21 discuss it with Mr. Craig or Ms. Peveich?<br/> 22 MR. PENDELL: Objection to form.<br/> 23 A. Again, I believe I discussed it with<br/> 24 counsel and I believe I discussed it with<br/> 25 Ms. Peveich as well.</p> |
| <p style="text-align: right;">Page 79</p> <p>1 on opiate-related services?<br/> 2 MR. PENDELL: Objection to form.<br/> 3 A. Yeah. I don't recall if it was just<br/> 4 a listing of the grants they got or it included<br/> 5 both the grant awards and the actual dollars<br/> 6 spent. That, I don't recall.<br/> 7 Q. You said that Angela Burgess was<br/> 8 also at this meeting?<br/> 9 A. Yes.<br/> 10 Q. What is her position?<br/> 11 A. I believe she's -- I don't know her<br/> 12 exact title, but she's essentially the finance<br/> 13 director for Summit County Public Health.<br/> 14 Q. So does she work for the same entity<br/> 15 as Ms. Skoda or a different entity?<br/> 16 A. Same entity.<br/> 17 Q. So at this meeting there were two<br/> 18 people from Children Services Board, two people<br/> 19 from the ADM Board and two people from Summit<br/> 20 County Public Health?<br/> 21 A. That's correct.<br/> 22 Q. And did you learn anything from<br/> 23 Ms. Burgess, beyond what we've already<br/> 24 discussed, about either the funding that Summit<br/> 25 County Public Health receives or the money it</p>  | <p style="text-align: right;">Page 81</p> <p>1 Q. Okay. So what do you remember<br/> 2 discussing with Ms. Peveich about the report<br/> 3 that was circulated after this meeting?<br/> 4 A. I do not recall.<br/> 5 Q. Did you discuss the report with<br/> 6 anyone else at the ADM Board?<br/> 7 A. I did not.<br/> 8 Q. And when you got the report from<br/> 9 Summit County Public Health after this meeting,<br/> 10 did you discuss it with Ms. Skoda or<br/> 11 Ms. Burgess?<br/> 12 A. I did not.<br/> 13 Q. Did you discuss it with anyone else<br/> 14 from --<br/> 15 A. I believe I discussed it with<br/> 16 counsel.<br/> 17 Q. Did you discuss it with anyone else<br/> 18 from Summit County Public Health?<br/> 19 A. No.<br/> 20 Q. Did you have further conversations<br/> 21 with Ms. Barnes or Mr. Kearns to prepare for<br/> 22 your testimony as a corporate rep today?<br/> 23 A. I did not.<br/> 24 Q. How about with Mr. Craig or<br/> 25 Ms. Peveich?</p>  |

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| <p style="text-align: right;">Page 82</p> <p>1 A. I did not.</p> <p>2 Q. How about Ms. Skoda or Ms. Burgess?</p> <p>3 A. Wait a minute. I did have a</p> <p>4 conversation with Ms. Peveich yesterday, I</p> <p>5 believe.</p> <p>6 Q. About what?</p> <p>7 A. I had called to ask her if she had a</p> <p>8 recollection of the first time that the opiate</p> <p>9 crisis might have shown up as a subject matter</p> <p>10 in one of their budget documents.</p> <p>11 Q. What did she say?</p> <p>12 A. Her response was essentially no, but</p> <p>13 she has only worked for the agency since 2015,</p> <p>14 so she had no knowledge about what was -- may or</p> <p>15 may not had been in there prior to that period.</p> <p>16 Q. Did you review the ADM Board budget</p> <p>17 documents?</p> <p>18 A. Prior -- are you asking about prior</p> <p>19 to --</p> <p>20 Q. Prior to today's deposition.</p> <p>21 A. I did not.</p> <p>22 Q. Have you on other occasions in</p> <p>23 connection with your work as director of</p> <p>24 finance --</p> <p>25 A. Well, yeah. Every year when they</p>  | <p style="text-align: right;">Page 84</p> <p>1 harm to the county?</p> <p>2 MR. PENDELL: Objection to form.</p> <p>3 A. So when you say "Summit County,"</p> <p>4 obviously it's a big county with a lot of</p> <p>5 employees and a lot of varied lines of business,</p> <p>6 so to speak. I guess I would ask you to further</p> <p>7 define what you mean by when did Summit County</p> <p>8 learn.</p> <p>9 Q. When did anyone in the Summit County</p> <p>10 government learn that prescription opioid abuse</p> <p>11 was resulting in harm to Summit County?</p> <p>12 A. My -- I can only speak to the first</p> <p>13 time I became aware, which was probably around</p> <p>14 2014 or so, late 2013, early 2014.</p> <p>15 Q. And how did you come to learn that?</p> <p>16 A. I had a conversation with the county</p> <p>17 medical examiner, Dr. Kohler, following one of</p> <p>18 our staff meetings, in which she was talking</p> <p>19 about the number of overdose deaths that were</p> <p>20 showing up at the county coroner's office, and I</p> <p>21 remember asking her point blank, "Well, how many</p> <p>22 overdoses are you seeing on a daily, weekly,</p> <p>23 monthly basis?" And her response was, "I see</p> <p>24 one every day."</p> <p>25 Q. And did you understand from this</p> |
| <p style="text-align: right;">Page 83</p> <p>1 submit a budget document, I review it.</p> <p>2 Q. And so what is your understanding of</p> <p>3 the first time that the opiate crisis shows up</p> <p>4 as a subject matter in the ADM Board budget</p> <p>5 documents?</p> <p>6 MR. PENDELL: Objection to form.</p> <p>7 A. I don't recall.</p> <p>8 Q. What is the first time you can</p> <p>9 recall the opiate crisis showing up as a subject</p> <p>10 matter in the ADM Board budget documents?</p> <p>11 MR. PENDELL: Objection to form.</p> <p>12 A. I don't recall.</p> <p>13 Q. Did you have any further discussion</p> <p>14 with Ms. Peveich yesterday?</p> <p>15 A. No.</p> <p>16 Q. Did you have any further</p> <p>17 conversations with Ms. Skoda or Ms. Burgess to</p> <p>18 prepare for today's deposition?</p> <p>19 A. I did not.</p> <p>20 Q. Did you have any conversations with</p> <p>21 anyone else to prepare for today's deposition?</p> <p>22 A. Only our attorneys, as we previously</p> <p>23 mentioned.</p> <p>24 Q. When did Summit County first learn</p> <p>25 that prescription opioid abuse was resulting in</p> | <p style="text-align: right;">Page 85</p> <p>1 conversation with Dr. Kohler that these were</p> <p>2 overdoses on opioids?</p> <p>3 A. My recollection is that I -- based</p> <p>4 on that conversation, I did.</p> <p>5 Q. And so it's that conversation that</p> <p>6 you place as the first time you were aware that</p> <p>7 prescription opioid abuse was resulting in harm</p> <p>8 to Summit County?</p> <p>9 A. Yes.</p> <p>10 Q. And moving beyond your knowledge,</p> <p>11 what about other leaders in Summit County, the</p> <p>12 county executive, people in the county</p> <p>13 executive's office or the county council?</p> <p>14 MR. PENDELL: Objection to form.</p> <p>15 A. I don't know that I can speak</p> <p>16 specifically for when they knew, but I know</p> <p>17 it -- I know it was around 2014, for sure into</p> <p>18 2015, that this began to become a discussion at</p> <p>19 budget hearings, at council meetings,</p> <p>20 discussions about the Summit County Opiate Task</p> <p>21 Force that had been formed. That's when I first</p> <p>22 really kind of got brought into the fold with</p> <p>23 these issues.</p> <p>24 Q. What damages is Summit County</p> <p>25 claiming in this case?</p>   |

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| <p style="text-align: right;">Page 86</p> <p>1 A. And by that are you asking for a<br/>2 dollar amount, are you asking for types of<br/>3 damages?<br/>4 Q. Yes.<br/>5 A. Yes to all of the above?<br/>6 Q. Yes.<br/>7 A. I believe we have a damages report<br/>8 that was prepared for us based on accounting<br/>9 data and information we provided to some damage<br/>10 experts, and the makeup of that would be,<br/>11 essentially, personnel costs for -- personnel<br/>12 costs, treatment costs, costs related to our<br/>13 criminal justice system, all of the things that<br/>14 we have had to address as a result of the opiate<br/>15 crisis.<br/>16 Q. Anything else you can point to as<br/>17 the damages that Summit County is claiming in<br/>18 this case, either by type or category or by<br/>19 dollar figure?<br/>20 A. I mean, we have education prevention<br/>21 costs. We have treatment costs. We have<br/>22 incarceration costs. We have public defense<br/>23 costs. We have costs for the medical examiner's<br/>24 office. Some of those costs are also lost<br/>25 revenue opportunities to the county because of</p>   | <p style="text-align: right;">Page 88</p> <p>1 everything else in the community.<br/>2 Q. You said, "We internally have done<br/>3 estimates on costs for 2016." Did I hear you<br/>4 right?<br/>5 A. We did a cost analysis that, I<br/>6 believe, was for the period 2013 through<br/>7 either -- I think it was through 2016, of actual<br/>8 county costs.<br/>9 Q. Who is the "we" in that sentence?<br/>10 A. We is myself, the -- the finance<br/>11 people at CSB, ADM, public health, other -- I'm<br/>12 trying to think if there were other folks in the<br/>13 direct calculation of those costs within the<br/>14 county, but those would be the primary.<br/>15 Q. And did you prepare a summary of<br/>16 this cost analysis?<br/>17 A. Yes.<br/>18 Q. And why did you undertake the cost<br/>19 analysis in the first place?<br/>20 A. We were -- as we were contemplating<br/>21 this suit, we were going back to try to<br/>22 essentially calculate what it is that this<br/>23 opiate epidemic was costing Summit County, and<br/>24 ours was limited to, initially, Summit County<br/>25 government itself, both in terms of shifting</p>   |
| <p style="text-align: right;">Page 87</p> <p>1 workload. Staffing costs. Those would be the<br/>2 primary buckets. I'm sure there are others.<br/>3 Child placement costs, obviously a large pool<br/>4 based on our previous discussions.<br/>5 Q. Are you able to put a dollar figure<br/>6 on any of these categories of costs you've<br/>7 listed?<br/>8 MR. PENDELL: Objection to form.<br/>9 A. Yeah. I mean, we have a damages<br/>10 calculation that was done on our behalf, and<br/>11 internally we have also done estimates on costs,<br/>12 and those costs currently, maybe focusing on<br/>13 2016, run in the 20 -- roughly -- 2 million<br/>14 dollar range.<br/>15 Q. The what range, 20 to 22?<br/>16 A. Roughly, 22 million dollars for that<br/>17 one year just in current costs. That doesn't --<br/>18 and those costs are just costs known to us. It<br/>19 does not include the overall economic impact to<br/>20 society as a whole, the drag on work<br/>21 productivity, GDP, how that affects sales tax<br/>22 revenues, housing prices, just essentially<br/>23 overall lost worker productivity, and the pain<br/>24 and suffering of the folks that are dealing with<br/>25 opiate-dependent relatives, friends, employees,</p> | <p style="text-align: right;">Page 89</p> <p>1 manpower cost to address the impact of this, and<br/>2 then, also, additional costs that were being<br/>3 borne by the county as a result of the epidemic.<br/>4 Q. What do you mean, costs to the<br/>5 Summit County government itself?<br/>6 A. To -- to the Summit County<br/>7 government political subdivision. In other<br/>8 words, I did not do an analysis on Akron city<br/>9 government or any of the political subdivisions<br/>10 in the county, or at that point we also had not<br/>11 done an analysis on the state of the economy as<br/>12 a whole in Summit County and the impact it was<br/>13 having on that. It was just really to our<br/>14 operations.<br/>15 Q. And when did you undertake this cost<br/>16 analysis that you've described?<br/>17 A. I think late in the summer of 2017.<br/>18 Q. And once you did this analysis, who<br/>19 did you share it with?<br/>20 A. I shared it with the county<br/>21 executive. We shared it with our legal counsel.<br/>22 I don't recall beyond that who we shared it<br/>23 with.<br/>24 Q. And when you say "the county<br/>25 executive," who are you referring to in</p> |

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1 particular?

2 A. Ilene Shapiro.

3 Q. Did you then discuss it with

4 Ms. Shapiro?

5 A. Yes. I discussed it -- I discussed

6 it at length with Jason Dodson, our chief of

7 staff.

8 Q. Did you discuss it with Ms. Shapiro?

9 A. Yes.

10 Q. Who made the decision then to file

11 the lawsuit?

12 A. Ilene Shapiro, the county executive.

13 Q. How do you know it was her decision?

14 A. Because she's the county executive.

15 Q. When did she make the decision to

16 file the lawsuit?

17 MR. PENDELL: Object to the form,

18 and -- objection to form. This is outside the

19 scope.

20 MR. KEYES: I disagree.

21 Q. When did she make the decision?

22 MS. KEARSE: What topic is it

23 pertaining to?

24 MR. KEYES: Damages.

25 MR. NAEEM: Anne, you understand

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1 that Special Master Cohen has already ruled on

2 whether people can ask questions outside the

3 scope, and he expressly rejected it, so that's

4 not a proper objection and he can ask anything

5 in his personal knowledge. It's understandably

6 not binding on the corporation, but his personal

7 knowledge is at issue in this deposition.

8 MS. KEARSE: I'm not saying he can't

9 ask the question.

10 MR. PENDELL: Whether it's outside

11 the scope, we're allowed to make that objection.

12 MR. NAEEM: Go ahead.

13 MS. KEARSE: I'm not saying not to

14 answer the question. I just want to make.

15 sure --

16 MR. PENDELL: So your soliloquy was

17 out of line, Tariq.

18 MR. NAEEM: And so is your comment,

19 so let's just keep going.

20 BY MR. KEYES:

21 Q. When did Ms. Shapiro make the

22 decision to file a lawsuit?

23 A. I don't know the actual date.

24 Q. You said you discussed your cost

25 analysis with Ms. Shapiro. What did she say

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1 about it?

2 A. I think her general reaction was a

3 little shocked at the total amount of resources

4 that it's taken to address the issue.

5 Q. When did you share it with her?

6 A. I don't recall the exact date. It

7 would have been late summer, early fall,

8 somewhere in that period in 2017.

9 Q. You said you also discussed your

10 cost analysis with Jason Dodson at length?

11 A. Yes.

12 Q. Was that with Ms. Shapiro or without

13 Ms. Shapiro?

14 A. Most of those conversations were

15 probably without Ms. Shapiro.

16 Q. So you had multiple conversations

17 with Mr. Dodson?

18 A. Yes.

19 Q. But some included Ms. Shapiro?

20 A. Yes.

21 Q. And what did Mr. Dodson say about

22 the cost analysis?

23 MR. PENDELL: Objection to form.

24 MR. ARNOLD: This is the report that

25 we discussed in the last deposition. It was all

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1 done at the request of counsel. It's all work

2 product. He's not going to talk about the

3 analysis that he and Dodson did together.

4 MR. KEYES: This is a first for me

5 where three people representing the same people

6 get to speak, object, opine.

7 MS. KEARSE: I'll pass notes from

8 now on. I'll keep my mouth shut.

9 MR. KEYES: I don't think two is

10 allowed under the protocol, but I'm pretty sure

11 that even your side hasn't articulated that

12 you're allowed to have three people speak on

13 behalf of a single party.

14 MS. KEARSE: I will do my best to

15 keep quiet.

16 Q. So you can't answer my question?

17 A. What was your question again?

18 MR. PENDELL: I'm instructing the

19 witness not to answer if it implicates attorney

20 work product.

21 Q. What did Mr. Dodson say about the

22 cost analysis?

23 A. I don't recall what he said. Most

24 of our conversations were about how to go about

25 preparing the analysis itself.



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| <p style="text-align: right;">Page 94</p> <p>1 Q. So was Mr. Dodson then involved in<br/>2 structuring the cost analysis that you and the<br/>3 finance department did?<br/>4 A. I don't know that I would say he<br/>5 was -- I guess that depends on how you define<br/>6 structuring it. I came up with methodologies to<br/>7 put the analysis together. He was more of a<br/>8 sounding board to say whether we were on target,<br/>9 not on target, or whether there were other<br/>10 things he could think of that we were missing.<br/>11 Q. You mentioned earlier incarceration<br/>12 costs as a category of damage?<br/>13 A. Um-hum.<br/>14 Q. That's the cost of incarcerating<br/>15 people who have either been convicted of a crime<br/>16 or have been accused of a crime and are awaiting<br/>17 trial?<br/>18 MR. PENDELL: Objection to form.<br/>19 A. That's correct.<br/>20 Q. You mentioned public defender costs.<br/>21 Those are the costs incurred by the public<br/>22 defender's office in representing individuals<br/>23 who have been accused of crimes and are being<br/>24 prosecuted for crimes?<br/>25 A. It may either be the public</p>  | <p style="text-align: right;">Page 96</p> <p>1 costs, these are the costs of paying prosecutors<br/>2 to pursue criminal cases against defendants who<br/>3 are accused of and are being prosecuted for<br/>4 crimes?<br/>5 A. Primarily, yes.<br/>6 Q. Well, is there anything else?<br/>7 A. There could be victim assistance<br/>8 costs. There could be costs related to<br/>9 witness -- witnesses. There are other smaller<br/>10 ancillary costs, but the prosecutors themselves<br/>11 would be the primary cost.<br/>12 Q. Okay. And are you able to quantify<br/>13 the victim's assistance costs?<br/>14 A. We have a -- we have specific<br/>15 employees in victim assistance services. I<br/>16 don't have that dollar figure off the top of my<br/>17 head, no, but it's part of our operating budget.<br/>18 Q. And so those are the costs of<br/>19 providing assistance to victims of crimes?<br/>20 A. Yes.<br/>21 Q. In particular, drug crimes?<br/>22 A. Any crimes.<br/>23 Q. Any crimes. Not even limited to<br/>24 drug crimes?<br/>25 A. No.</p>   |
| <p style="text-align: right;">Page 95</p> <p>1 defender's office or private appointed counsel<br/>2 appointed by the courts to defend indigent<br/>3 defendants that the county bears the cost of.<br/>4 Q. You're saying this category doesn't<br/>5 include just lawyers in the office of the public<br/>6 defender, it also includes private lawyers who<br/>7 may be appointed to represent indigent<br/>8 defendants?<br/>9 A. That's correct.<br/>10 Q. But whether it's public defender or<br/>11 private attorneys, these are the costs spent on<br/>12 lawyers to represent individuals who have been<br/>13 accused of and are being prosecuted for crimes?<br/>14 A. That's correct.<br/>15 Q. And you mentioned earlier costs<br/>16 regarding the criminal justice system. Beyond<br/>17 incarceration costs and public defender costs,<br/>18 are you referring to prosecutor costs?<br/>19 A. Prosecutor costs, probation costs,<br/>20 costs over at the juvenile court related to<br/>21 probation and detention, costs related to the<br/>22 county's contract with Oriana House for -- for<br/>23 both incarceration and treatment costs through<br/>24 that facility.<br/>25 Q. So when you refer to prosecutor</p> | <p style="text-align: right;">Page 97</p> <p>1 Q. And the witness costs are what<br/>2 costs?<br/>3 A. Expert witness fees and other<br/>4 witness fees you may have to pay to prosecute<br/>5 somebody.<br/>6 Q. What kind of witness fees would you<br/>7 have to pay besides expert fees?<br/>8 A. I don't know offhand.<br/>9 Q. And so these would be the costs paid<br/>10 by Summit County for experts either to offer<br/>11 opinions in aid of prosecuting someone accused<br/>12 of a crime and being prosecuted from a crime?<br/>13 A. Correct.<br/>14 Q. Or the costs of paying experts to<br/>15 offer opinions in defense of people?<br/>16 A. Well, we pay for both. If we<br/>17 have -- so along with -- this ties into your<br/>18 question earlier about indigent defense costs as<br/>19 it relates to the public defender and private<br/>20 appointed counsel. If we have an indigent<br/>21 defendant and their attorney requires that we<br/>22 have -- we need an expert witness related to<br/>23 their case, we pay those expert witness fees as<br/>24 well as part of that indigency.<br/>25 Q. When you refer to a case, that's a</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 criminal case?</p> <p>2 A. A criminal case, yes.</p> <p>3 Q. And then when you mentioned --</p> <p>4 A. A felony criminal case in -- well, I</p> <p>5 guess we're -- we also pay for indigent defense</p> <p>6 at the municipal court level, so it could be a</p> <p>7 misdemeanor as well.</p> <p>8 Q. And you referenced probation costs</p> <p>9 as being one category of costs in the criminal</p> <p>10 justice system?</p> <p>11 A. Yes.</p> <p>12 Q. These are the costs associated with</p> <p>13 probation services for people who have been</p> <p>14 convicted of crimes?</p> <p>15 A. Correct.</p> <p>16 Q. And then the juvenile court costs?</p> <p>17 A. Yes.</p> <p>18 Q. Those are the costs borne by Summit</p> <p>19 County in operating a juvenile court in which</p> <p>20 juveniles are being prosecuted for crimes?</p> <p>21 A. That's correct.</p> <p>22 Q. You mentioned the Oriana House</p> <p>23 contract. Summit County pays money pursuant to</p> <p>24 a contract with Oriana House, correct?</p> <p>25 A. That's correct.</p> | <p style="text-align: right;">Page 100</p> <p>1 prosecuting, supporting the prosecution or</p> <p>2 incarcerating people who have been charged with</p> <p>3 or convicted of crimes, correct?</p> <p>4 A. Correct. And/or treating people who</p> <p>5 have been incarcerated as well, or as an</p> <p>6 alternative to incarceration.</p> <p>7 Q. Because they were convicted of a</p> <p>8 crime?</p> <p>9 A. Because they were convicted of a</p> <p>10 crime, that's correct.</p> <p>11 Q. You mentioned treatment costs as one</p> <p>12 category of damages.</p> <p>13 A. Yes.</p> <p>14 Q. Who is providing the treatment that</p> <p>15 falls within this category of treatment costs?</p> <p>16 A. As it relates to the criminal</p> <p>17 justice system?</p> <p>18 Q. No. Let's -- I understand that</p> <p>19 Oriana House provides treatment services as part</p> <p>20 of the criminal justice system.</p> <p>21 A. Yes.</p> <p>22 Q. I want to focus on any other</p> <p>23 treatment costs that Summit County bears.</p> <p>24 A. Well, there's a host of treatment</p> <p>25 providers throughout Summit County. As it</p>  |
| <p style="text-align: right;">Page 99</p> <p>1 Q. And Oriana House, in exchange for</p> <p>2 those dollars, provides two types of services,</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. Treatment services and incarceration</p> <p>6 services, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And the incarceration services are</p> <p>9 provided by Oriana House to incarcerate people</p> <p>10 who have been convicted of crimes?</p> <p>11 A. Correct.</p> <p>12 Q. Felony crimes?</p> <p>13 A. Felony and misdemeanor both.</p> <p>14 Q. And Oriana House provides treatment</p> <p>15 services?</p> <p>16 A. Yes.</p> <p>17 Q. To people who have been convicted of</p> <p>18 crimes?</p> <p>19 A. Yes.</p> <p>20 Q. So with respect to these categories</p> <p>21 of costs that Summit County incurs in operating</p> <p>22 its criminal justice system, prosecutor costs,</p> <p>23 probation costs, juvenile court costs, and</p> <p>24 amounts paid to Oriana House, all of those costs</p> <p>25 are incurred by Summit County in either</p>   | <p style="text-align: right;">Page 101</p> <p>1 relates to the opiates, those are primarily</p> <p>2 funded through ADM, and there are a whole host</p> <p>3 of agencies from -- from Oriana to Interval</p> <p>4 Brotherhood Home to Summit Psychological to --</p> <p>5 there are -- I'd have to go down through the</p> <p>6 list, but there are dozens of them.</p> <p>7 Q. And you said all or almost all of</p> <p>8 those third parties receive funding from the ADM</p> <p>9 Board?</p> <p>10 A. Yes.</p> <p>11 Q. What funding do any of those service</p> <p>12 providers receive from Summit County that</p> <p>13 doesn't come to them through the ADM Board?</p> <p>14 A. Many of them receive money that</p> <p>15 comes through the juvenile court, through common</p> <p>16 pleas court, through the Department of Job and</p> <p>17 Family Services. There may be some others, but</p> <p>18 those would be the major funding sources from</p> <p>19 the county to those types of agencies.</p> <p>20 Q. Does Summit County receive any</p> <p>21 reports or data either from the ADM Board or</p> <p>22 from any of these service providers that</p> <p>23 identifies the money spent to provide services</p> <p>24 to people because of an opioid use disorder --</p> <p>25 MR. PENDELL: Objection to form.</p> |



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| <p style="text-align: right;">Page 102</p> <p>1 Q. -- in particular, as distinct from<br/>2 other things?<br/>3 A. My belief is yes, they do.<br/>4 Q. What is the data or the report or<br/>5 the information that Summit County gets from any<br/>6 of these service providers that shows the<br/>7 dollars that were spent providing services to<br/>8 people because of an opioid use disorder?<br/>9 A. So, as we mentioned earlier, for<br/>10 example, the ADM Board receives case information<br/>11 and is now coding that in their -- their case<br/>12 management system, which helps them identify<br/>13 treatment related to opiate use disorder.<br/>14 Q. For how long has ADM been coding<br/>15 things so they can keep track of dollars spent<br/>16 on service providers providing services to<br/>17 people with an opioid use disorder?<br/>18 MR. ARNOLD: Objection to form.<br/>19 A. I don't know the exact number of<br/>20 years, but my understanding is they have been<br/>21 coding that longer than Children Services has.<br/>22 I do know, in conversations with Oriana House<br/>23 and based on previous reports I've looked at<br/>24 from Oriana, they code treatment based on --<br/>25 they code primary, secondary and tertiary causes</p>                              | <p style="text-align: right;">Page 104</p> <p>1 are other causes associated with that.<br/>2 Conversely, when we have a crime,<br/>3 say -- and let's just say -- use domestic<br/>4 violence as an example. If somebody is arrested<br/>5 on domestic violence charges, we're not<br/>6 necessarily capturing whether they have an<br/>7 underlying opiate use disorder which is<br/>8 contributing to those domestic violence charges.<br/>9 So when we look at all of these statistics, I<br/>10 would say that the number of dollars being spent<br/>11 on certain types of activities is probably<br/>12 understated because we don't have the level of<br/>13 information to tell us whether, for instance, a<br/>14 domestic violence charge was caused because of<br/>15 somebody's opiate use disorder.<br/>16 Q. Have you done any study of the data<br/>17 to see if that's true or not?<br/>18 A. Have I personally done a study of<br/>19 the data?<br/>20 Q. Yes.<br/>21 A. I have not. I have talked with<br/>22 people in the various offices about that<br/>23 particular fact.<br/>24 Q. Has anyone at your direction done<br/>25 such a study?</p> |
| <p style="text-align: right;">Page 103</p> <p>1 for cases that they provide treatment services<br/>2 for, and so they would -- they capture as well<br/>3 opiate use disorder as one of those causes. So<br/>4 most -- all of these agencies -- and<br/>5 particularly when they -- you got to remember,<br/>6 too, they're not just billing us. A lot of<br/>7 these people -- and this is expanded with<br/>8 Medicaid -- they're also billing Medicaid, and<br/>9 with Medicaid they're required to report, so<br/>10 throughout the system they're required to report<br/>11 these causes in order to be reimbursed for those<br/>12 treatment costs.<br/>13 Q. Does Oriana House or any of the<br/>14 service providers provide information or reports<br/>15 to Summit County that shows the dollars spent in<br/>16 providing services to people only because they<br/>17 had an opioid use disorder, where they had no<br/>18 other addiction or mental health need for<br/>19 treatment?<br/>20 MR. PENDELL: Objection to form.<br/>21 A. I believe they could. I don't --<br/>22 I've not had that discussion that we have -- in<br/>23 terms of delving down, when they provide us<br/>24 information, on treatment costs for opiate use<br/>25 disorder -- I have not delved into whether there</p> | <p style="text-align: right;">Page 105</p> <p>1 A. They have not.<br/>2 Q. Has anyone not at your direction<br/>3 done an actual study of the data to see if<br/>4 that's the case?<br/>5 A. No, but I also don't know that it's<br/>6 possible to do that study in a scenario like the<br/>7 one I just mentioned. If we haven't captured<br/>8 that information, then they -- that likely is<br/>9 not part of the systems that would allow us to<br/>10 do that analysis.<br/>11 Q. Do each of the service providers<br/>12 that receive funding from the ADM Board have a<br/>13 contract with the ADM Board?<br/>14 A. They do.<br/>15 Q. And does that contract govern the<br/>16 funding that the service provider will receive?<br/>17 A. It does.<br/>18 Q. Does it also govern the services<br/>19 that the service provider will provide?<br/>20 A. It does.<br/>21 Q. Does it also govern the information<br/>22 that the service provider will report to the ADM<br/>23 Board?<br/>24 A. I believe it does. And so in the<br/>25 case of ADM, when they're providing treatment</p>   |

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| <p style="text-align: right;">Page 106</p> <p>1 services, obviously the underlying cause for<br/>2 treatment services is captured. When you get<br/>3 over to the criminal justice side -- and Job and<br/>4 Family Services is another one. When you have<br/>5 people seeking food stamps or food assistance,<br/>6 we're not going -- we do not go, and we're not<br/>7 required legally to go, to the level of trying<br/>8 to find out whether there's an opiate use<br/>9 disorder contributing to their need for food<br/>10 stamps, Medicaid or any of the other services of<br/>11 the county.<br/>12 So some areas, obviously because<br/>13 we're treating them specifically for that<br/>14 disorder, we capture it. Others we may or may<br/>15 not depending on why it is they're having an<br/>16 interaction with county government.<br/>17 Q. Okay. Do the contracts between ADM<br/>18 and the service providers require the service<br/>19 providers to track what services are being<br/>20 provided to individuals because they have an<br/>21 opioid use disorder and for no other reason?<br/>22 A. I do not know the answer to that<br/>23 question.<br/>24 Q. And do the contracts between ADM and<br/>25 the service providers require the service</p> | <p style="text-align: right;">Page 108</p> <p>1 A. Through the ADM Board, they have<br/>2 spent -- I don't remember the exact figure.<br/>3 It's over 3 million dollars.<br/>4 Q. Over what period of time?<br/>5 A. Roughly, 2015 to 2017.<br/>6 Q. Separate from what the ADM Board has<br/>7 spent, what has Summit County spent on<br/>8 education, if any?<br/>9 A. Yeah. There has been -- I don't<br/>10 have an exact figure on that from other county<br/>11 departments.<br/>12 Q. Okay. What other county departments<br/>13 are spending money on education regarding<br/>14 opioids or prescription opioids?<br/>15 A. The sheriff's office is. The<br/>16 sheriff's office runs a DARE program that<br/>17 provides education services through that<br/>18 program. Children Services has spent money on<br/>19 education. I'm fairly certain other county<br/>20 agencies have as well.<br/>21 Q. Sitting here today, you can identify<br/>22 the ADM Board, the sheriff's office DARE program<br/>23 and the Children Services Board as spending<br/>24 money on education regarding opioids or<br/>25 prescription opioids?</p> |
| <p style="text-align: right;">Page 107</p> <p>1 providers to do anything to confirm a<br/>2 self-reported opioid use disorder?<br/>3 MR. ARNOLD: Objection to form.<br/>4 A. I don't know that I know the answer<br/>5 to that question. My understanding is that when<br/>6 somebody seeks services, that any and all<br/>7 underlying disorders for which they're seeking<br/>8 services are captured and reported.<br/>9 Q. So if ADM gets data from Oriana<br/>10 House that purports to show the dollars spent in<br/>11 providing services to people with an opioid use<br/>12 disorder, Oriana House is tracking opioid use<br/>13 disorder based on what the recipient of the<br/>14 services says without doing any independent<br/>15 check, such as with a physician, correct?<br/>16 MR. PENDELL: Objection to form.<br/>17 MR. ARNOLD: Objection to form.<br/>18 A. Yeah. I don't know that that's the<br/>19 case. I think --<br/>20 Q. Do you know either way?<br/>21 A. I don't know either way. They may<br/>22 very well be following up with physicians and<br/>23 getting medical records on those folks.<br/>24 Q. How much has Summit County spent on<br/>25 what you describe as education?</p>   | <p style="text-align: right;">Page 109</p> <p>1 A. Yes.<br/>2 Q. Any others?<br/>3 A. That I can specifically identify<br/>4 today, no, but I -- I would guarantee there are<br/>5 others.<br/>6 Q. What has the Children Services Board<br/>7 spent on education regarding opioids or<br/>8 prescription opioids?<br/>9 A. I don't have that figure.<br/>10 Q. Who does?<br/>11 A. It would be contained in their<br/>12 financials. Darin Kearns could provide that<br/>13 information.<br/>14 Q. What has the sheriff's office spent<br/>15 on the DARE program?<br/>16 A. The DARE budget is about \$200,000 a<br/>17 year.<br/>18 Q. And the DARE program is about drug<br/>19 abuse, correct?<br/>20 A. Correct.<br/>21 Q. Is it specific to opioids or<br/>22 prescription opioids?<br/>23 A. It's not specific to that, but there<br/>24 is a component of that.<br/>25 Q. Separate from what the sheriff's</p>  |

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| <p style="text-align: right;">Page 110</p> <p>1 office spends on the DARE program, what does the<br/> 2 sheriff's office spend on education regarding<br/> 3 opioids or prescription opioids, if any?<br/> 4 A. I do not know.<br/> 5 Q. Who would know?<br/> 6 A. Probably Pam Murray, who's the<br/> 7 budget director over there. DARE would be the<br/> 8 primary one. They have some other programs. I<br/> 9 don't know -- grant-specific programs, but I<br/> 10 don't know if they're spending money on<br/> 11 education out of those. Summit County Public<br/> 12 Health would also be spending money on education<br/> 13 as it relates to the opiate issue.<br/> 14 Q. Did you reach out to Mr. Kearns on<br/> 15 the topic of what the Children Services Board<br/> 16 spends on education regarding opioids or<br/> 17 prescription opioids?<br/> 18 A. Not specifically education, though<br/> 19 it is likely included in some of those other<br/> 20 smaller miscellaneous line items that they had<br/> 21 not previously identified.<br/> 22 Q. In the report that was prepared<br/> 23 after the meeting and that has not been shared,<br/> 24 correct?<br/> 25 A. That's correct.</p> | <p style="text-align: right;">Page 112</p> <p>1 dollars out of reserve balances to address the<br/> 2 opiate epidemic. There was an education<br/> 3 component to that. There was an increase in<br/> 4 beds and treatment services as a component to<br/> 5 that. There was also a prevention and<br/> 6 wrap-around services component to that 3.2<br/> 7 million. And that's annually, going forward<br/> 8 through the end of the levy cycle, presently<br/> 9 committed to that.<br/> 10 Q. Okay. Mr. Nelsen, my question<br/> 11 wasn't about the period of 2015 or later. My<br/> 12 question was specifically directed to before<br/> 13 2015. So focusing your attention on before<br/> 14 2015, what did the ADM Board spend on drug<br/> 15 education or prevention regarding opioids or<br/> 16 prescription opioids before 2015?<br/> 17 A. I don't have that specific dollar<br/> 18 amount. It would have been smaller than the<br/> 19 figures we just discussed.<br/> 20 Q. Well, you said before much smaller.<br/> 21 A. I believe much smaller, yes.<br/> 22 Q. Because before 2015 there was no<br/> 23 special funding effort for drug education or<br/> 24 prevention regarding opioids or prescription<br/> 25 opioids?</p> |
| <p style="text-align: right;">Page 111</p> <p>1 Q. Did you speak with Ms. Murray about<br/> 2 moneys spent by the sheriff's office either on<br/> 3 the DARE program or otherwise on education<br/> 4 regarding opioids or prescription opioids?<br/> 5 A. Not on education in particular, no.<br/> 6 Q. And you said that you believe the<br/> 7 ADM Board spends over -- has spent over 3<br/> 8 million dollars between 2015 and 2017?<br/> 9 A. Yes.<br/> 10 Q. On education?<br/> 11 A. Yes.<br/> 12 Q. And that's drug education generally?<br/> 13 A. Yes. I would term that education<br/> 14 and prevention services.<br/> 15 Q. Specific to drugs?<br/> 16 A. Yes. Specific to opiates.<br/> 17 Q. So what is -- what has the ADM Board<br/> 18 spent on drug education and prevention regarding<br/> 19 opioids before 2015?<br/> 20 A. Probably a much smaller amount.<br/> 21 They earmarked 3.2 million dollars -- it was<br/> 22 either in the 2015 or 2016 budget, I think it<br/> 23 was 2015 being the first year, specifically<br/> 24 towards addressing, in addition to what they<br/> 25 were already doing, an additional 3.2 million</p>  | <p style="text-align: right;">Page 113</p> <p>1 MR. PENDELL: Objection to form.<br/> 2 MR. ARNOLD: Objection to form.<br/> 3 A. I'm not going to say there was no<br/> 4 funding effort, but it certainly picked up steam<br/> 5 in that 2015 time period, as the number of<br/> 6 overdoses began dramatically --<br/> 7 MR. PENDELL: I'm sorry. Excuse me,<br/> 8 Mr. Keyes.<br/> 9 Could you guys on the phone please<br/> 10 mute the phone because we can hear you laughing<br/> 11 in the middle of the testimony. Thank you.<br/> 12 Sorry. I was distracted by it, so I<br/> 13 apologize.<br/> 14 MR. KEYES: You don't need to<br/> 15 apologize to me. Thank you.<br/> 16 Q. Who at the ADM Board knows how much<br/> 17 the board spent before 2015 on drug education<br/> 18 and prevention regarding opioids or prescription<br/> 19 opioids?<br/> 20 A. Either Jen Peveich or Jerry Craig<br/> 21 should be able to provide that.<br/> 22 Q. Did you ask either one of them?<br/> 23 A. Not specifically that question, no.<br/> 24 Q. Now, turning then to what you said<br/> 25 about 2015 through 2017, you said that the ADM</p>  |

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| <p style="text-align: right;">Page 114</p> <p>1 Board requested a special appropriation of 3.2<br/>2 million dollars per year through the end of the<br/>3 levy cycle, correct?<br/>4 A. Correct.<br/>5 Q. We discussed this briefly in your<br/>6 last deposition, and in that deposition you said<br/>7 the funding request was made in 2016 for 2017.<br/>8 Does that refresh your recollection?<br/>9 A. If I said that, yeah, it does.<br/>10 Q. So would you go with what you said<br/>11 in December or what you said today about the<br/>12 timing of this special appropriation?<br/>13 MR. PENDELL: Objection to form.<br/>14 A. Yeah, because I think we actually<br/>15 looked at a document that showed it was in 2016<br/>16 for 2017, so that's probably correct.<br/>17 Q. And so the ADM Board made that<br/>18 request in 2016, correct?<br/>19 A. Correct.<br/>20 Q. It made that request to whom?<br/>21 A. To the -- well, the ADM director<br/>22 made it to the ADM Board, who then made -- who<br/>23 approved it, sent it on to the social services<br/>24 advisory board, and then on to county council.<br/>25 Q. And that was not for extra funding</p> | <p style="text-align: right;">Page 116</p> <p>1 prescription opioids?<br/>2 MR. PENDELL: Objection.<br/>3 A. I believe the -- I believe the<br/>4 education and prevention component of that is in<br/>5 excess of a million dollars a year.<br/>6 Q. Can you be more specific?<br/>7 A. No, not without looking at some<br/>8 documents.<br/>9 Q. Did you speak with Mr. Craig or<br/>10 Mr. -- Ms. Peveich in advance of today's<br/>11 deposition about that special earmarking of 3.2<br/>12 million dollars per year?<br/>13 A. Not as it relates to this<br/>14 deposition, no.<br/>15 Q. Earlier when I had asked you to<br/>16 identify the categories of costs that Summit<br/>17 County is seeking, you listed education, which<br/>18 we've talked about now?<br/>19 A. Um-hum.<br/>20 Q. And then you listed prevention?<br/>21 A. Yes.<br/>22 Q. Is prevention a separate category or<br/>23 are you now saying education and prevention are<br/>24 lumped together for purposes of ADM Board,<br/>25 sheriff's office and Children Services Board?</p>   |
| <p style="text-align: right;">Page 115</p> <p>1 that the ADM Board didn't have, that was for<br/>2 permission to spend money that was in the ADM<br/>3 Board's reserve, correct?<br/>4 MR. PENDELL: Objection to form.<br/>5 A. That's correct.<br/>6 Q. And so that amount has been<br/>7 earmarked for 2017, 2018 and 2019?<br/>8 A. Yes. Correct.<br/>9 Q. And how much of that 3.2 million<br/>10 dollars is directed towards drug education or<br/>11 prevention regarding opioids and prescription<br/>12 opioids?<br/>13 MR. PENDELL: Objection to form.<br/>14 A. Say that question again. Was it --<br/>15 was your question on education or just --<br/>16 Q. How much of that 3.2 million dollars<br/>17 is directed towards drug education or prevention<br/>18 regarding opioids and prescription opioids?<br/>19 MR. PENDELL: Objection.<br/>20 A. There is a treatment component to<br/>21 that 3.2 million dollars as well. I don't<br/>22 recall the exact split on that.<br/>23 Q. Do you know how much of the 3.2<br/>24 million dollars per year is to be spent on drug<br/>25 education or prevention regarding opioids or</p>                                 | <p style="text-align: right;">Page 117</p> <p>1 A. I have -- I have always treated the<br/>2 education and prevention as kind of one and the<br/>3 same in my mind. I think ADM may classify them<br/>4 a little bit differently, but I don't have what<br/>5 that difference is.<br/>6 Q. Okay. So beyond what you've already<br/>7 described, can you identify any specific<br/>8 expenses by Summit County on prevention<br/>9 regarding opioids or prescription opioids?<br/>10 MR. PENDELL: Objection to form.<br/>11 A. Not off the top of my head.<br/>12 Q. You also mentioned medical examiner<br/>13 costs. What are the medical examiner costs that<br/>14 Summit County is claiming in this lawsuit?<br/>15 A. So, essentially, the biggest cost --<br/>16 it's almost an opportunity cost -- as it relates<br/>17 to the medical examiner's office has been the --<br/>18 the inability to continue to perform<br/>19 out-of-county autopsies for a fee because of the<br/>20 lack of time based on their in-county caseload<br/>21 increase.<br/>22 Q. So the Summit County Medical<br/>23 Examiner earns money by performing out-of-county<br/>24 autopsies?<br/>25 A. Yes.</p> |



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| <p style="text-align: right;">Page 118</p> <p>1 Q. An out-of-county autopsy is where<br/>2 the decedent is located outside the boundaries<br/>3 of Summit County?<br/>4 A. Yes.<br/>5 So we have a situation where, in<br/>6 most counties in Ohio, they have an elected<br/>7 county coroner, and there are very, very minor<br/>8 job requirements to be a county coroner. In our<br/>9 case, in Summit County, because we're a charter<br/>10 government, we created a medical examiner<br/>11 position, that the medical examiner has to be --<br/>12 I think it's like a licensed forensic<br/>13 pathologist, which gives her unique credentials<br/>14 that some of the surrounding, more rural county<br/>15 medical -- not medical examiners, but coroners,<br/>16 don't have. So some of the more complicated<br/>17 death cases they send to Summit County. They,<br/>18 also, if they have overload in cases, send cases<br/>19 to Summit County.<br/>20 Q. Does Summit County have agreements<br/>21 with other jurisdictions governing when it will<br/>22 provide an autopsy and how much it will receive?<br/>23 A. Yes.<br/>24 Q. And is there a written agreement<br/>25 with each of these jurisdictions?</p> | <p style="text-align: right;">Page 120</p> <p>1 a million dollars.<br/>2 The other issue that we faced is<br/>3 there is nationally a shortage of people with<br/>4 those credentials who qualify for those jobs.<br/>5 Q. Did Summit County attempt to hire<br/>6 another medical examiner?<br/>7 A. We did.<br/>8 Q. When did Summit County initiate that<br/>9 effort?<br/>10 A. We -- so this was probably in the<br/>11 2014, 2015 range. We spent about a year, or<br/>12 close to it, looking to hire another medical<br/>13 examiner. We ended up hiring a medical<br/>14 examiner. We have three medical examiners,<br/>15 essentially, on staff. That medical examiner<br/>16 then ended up leaving and going to Cuyahoga<br/>17 County about a year ago, so we are back down to<br/>18 two medical examiners.<br/>19 And then we had also -- the medical<br/>20 examiner has also come to us identifying the<br/>21 need to hire another toxicologist to perform all<br/>22 of the tox screens that are necessary to keep up<br/>23 with her caseloads as a result of this, and we<br/>24 have not had the money in the budget to hire a<br/>25 second toxicologist either. So that request</p> |
| <p style="text-align: right;">Page 119</p> <p>1 A. I don't know if -- I'd have to look.<br/>2 I don't know if we have a written agreement or<br/>3 not. We do have a fee schedule that county<br/>4 council approves for the service of us providing<br/>5 an out-of-county autopsy. I believe there are<br/>6 signed agreements, but I'm not a hundred percent<br/>7 positive on that.<br/>8 Q. And so you're saying that because<br/>9 the medical examiner's office is spending so<br/>10 much time performing autopsies for<br/>11 in-Summit-County decedents --<br/>12 A. Yes.<br/>13 Q. -- that it doesn't have the<br/>14 resources to perform out-of-county autopsies?<br/>15 A. That's correct.<br/>16 Q. So why didn't Summit County hire<br/>17 another medical examiner?<br/>18 A. Because it costs a lot of money to<br/>19 hire another medical examiner and there's not<br/>20 enough money in the budget to be able to do<br/>21 that.<br/>22 Q. How much does it cost to hire a<br/>23 medical examiner?<br/>24 A. A medical examiner, with salary,<br/>25 health care and benefits, is about a quarter of</p>  | <p style="text-align: right;">Page 121</p> <p>1 has -- has essentially sat dormant.<br/>2 Q. Okay. So let's stay focused first<br/>3 on the medical examiner.<br/>4 A. Okay.<br/>5 Q. How many medical examiners did<br/>6 Summit County have in 2013?<br/>7 A. In 2013?<br/>8 Q. Yes.<br/>9 A. It should have been three.<br/>10 Q. Throughout 2013?<br/>11 A. I believe so.<br/>12 Q. How much in 2014?<br/>13 A. I'm not sure at what point Dorothy<br/>14 Dean, who was the medical examiner who -- the<br/>15 deputy medical examiner who left -- it was<br/>16 probably somewhere around '14. It had to be<br/>17 somewhere around '14, I think.<br/>18 Q. So you went from three to two?<br/>19 A. Yes.<br/>20 Q. How many in 2015?<br/>21 A. We may -- probably most of the year<br/>22 we were just sitting at two. I don't remember<br/>23 when we hired Todd Barr. So late '15, maybe<br/>24 '16, we hired him and went back up to three.<br/>25 Q. Okay. And how many in 2017?</p>   |

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| <p style="text-align: right;">Page 122</p> <p>1 A. 2017, we were at three until either<br/>2 late '17 or early '18, and I think it was<br/>3 probably late '17.<br/>4 Q. And what happened then?<br/>5 A. That's when Todd left and went up to<br/>6 Cuyahoga County.<br/>7 Q. And how many in 2018?<br/>8 A. 2018, we are sitting at two. And my<br/>9 understanding was Todd was not happy with the<br/>10 high volume of workload that he had here in<br/>11 Summit County.<br/>12 Q. So was there ever an attempt by<br/>13 Summit County to hire a fourth when you had<br/>14 three?<br/>15 A. There was discussion of hiring a<br/>16 fourth. Dr. Kohler came to us with a plan that<br/>17 she wanted to make a job offer to a woman who<br/>18 was very interested -- who was going through<br/>19 medical school, was very interested in coming to<br/>20 work for her, and essentially agreed to hold a<br/>21 job for her when she completed her residency<br/>22 requirements to create a fourth medical examiner<br/>23 position.<br/>24 Q. When was that?<br/>25 A. That was probably 2016, 2017-ish.</p>  | <p style="text-align: right;">Page 124</p> <p>1 losing about 250 to \$300,000 a year from<br/>2 performing these out-of-county autopsy fees. So<br/>3 when you look at that on the surface, it's about<br/>4 a tradeoff, getting in that other medical<br/>5 examiner.<br/>6 Maybe the biggest problem that we've<br/>7 got over the next few years is we also have a<br/>8 high backlog of caseloads that need work done<br/>9 with them, and so in our conversations with<br/>10 Dr. Kohler, hiring that third medical examiner<br/>11 was not going to restore our ability to start<br/>12 performing out-of-county autopsies. It might<br/>13 get us to the point where we could start<br/>14 catching up on work.<br/>15 Hiring a fourth, hopefully we would<br/>16 be caught up and be able to cover that cost<br/>17 without those out-of-county autopsy fees, but<br/>18 even at that point it's still a loss for us when<br/>19 historically we've operated with three medical<br/>20 examiners and the out-of-county autopsy fees.<br/>21 Now we would have to get to four medical<br/>22 examiners just to restore the county autopsy<br/>23 fees.<br/>24 MR. PENDELL: Can we take a break?<br/>25 MR. KEYES: Sure, in just a minute.</p> |
| <p style="text-align: right;">Page 123</p> <p>1 Q. When she finished her residency,<br/>2 did --<br/>3 A. No. No. This is when Dr. Kohler<br/>4 came to us with this plan. The conversation, as<br/>5 I recall, that she would complete her residency<br/>6 requirements and be able to come to work for us<br/>7 in 2019. So this was somewhat of a transition<br/>8 period, because in the budget then -- this was<br/>9 one of those we can't afford this right now,<br/>10 let's try to align the resources so that in a<br/>11 couple years we'll be able to afford to bring<br/>12 her on. And then, in the interim, we lost our<br/>13 third medical examiner. And so she is still<br/>14 like in the pipeline to come to work for us, I<br/>15 believe, in 2019, to restore us to three, but in<br/>16 the interim we've been hiring what they call,<br/>17 under these locum agreements, medical examiners<br/>18 from other parts of the state who come in and do<br/>19 autopsy work for us.<br/>20 Q. So was the judgment made that the<br/>21 cost of hiring a medical examiner was greater<br/>22 than the lost fees from performing out-of-county<br/>23 autopsies?<br/>24 MR. PENDELL: Objection to form.<br/>25 A. Not necessarily that simple. We're</p> | <p style="text-align: right;">Page 125</p> <p>1 Q. Since 2013 Summit County has hired<br/>2 one medical examiner, Todd Barr, correct?<br/>3 A. Correct.<br/>4 Q. And it has discussed hiring someone<br/>5 as a medical examiner in 2019, when she finishes<br/>6 her residency?<br/>7 A. Correct.<br/>8 Q. And Summit County has made the<br/>9 decision not to incur the cost of hiring someone<br/>10 else as a medical examiner even at the risk of<br/>11 losing the fees that it would get from<br/>12 performing out-of-county autopsies, correct?<br/>13 MR. PENDELL: Objection to form.<br/>14 A. Well, so what we -- so because it is<br/>15 very difficult to find a full-time medical<br/>16 examiner, and the reality is to get one, you<br/>17 have to get somebody to relocate from somewhere<br/>18 else in the country to come here. And because<br/>19 bringing them one -- bringing one in is not<br/>20 going to restore those out-of-county autopsy<br/>21 fees, we have made the decision in the interim<br/>22 that it is more cost effective and easier to<br/>23 operationally manage to go ahead and hire,<br/>24 essentially, contract out, that third position<br/>25 during this interim period.</p>                    |



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1 Q. So Summit County has made the  
2 decision not to hire a medical examiner or two  
3 medical examiners in order to get the fees from  
4 performing out-of-county autopsies?  
5 MR. PENDELL: Objection to form.  
6 MR. ARNOLD: Objection to form.  
7 A. I think the decision is just trying  
8 to get the operation back to three medical  
9 examiners, and we know we have likely lost long  
10 term that revenue from out-of-county autopsies.  
11 And even bringing in a fourth might restore that  
12 revenue, but now we've got the cost of that  
13 fourth medical examiner, and so bringing one in  
14 to restore those fees doesn't really address the  
15 issue that we have with the fact that we've lost  
16 those fees.  
17 Q. Because even -- your position is  
18 even if you hire another medical examiner, you  
19 will not be able to perform out-of-county  
20 autopsies?  
21 A. Getting that third medical examiner  
22 will not get us back to the point of being able  
23 to perform those out-of-county autopsies.  
24 MR. KEYES: Okay. We can take a  
25 break.

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1 THE VIDEOGRAPHER: Off the record,  
2 12 p.m.  
3 (Recess had.)  
4 THE VIDEOGRAPHER: On the record,  
5 12:21.  
6 BY MR. KEYES:  
7 Q. Mr. Nelsen, I believe you said  
8 before the break that Summit County loses  
9 hundreds of thousands of dollars from its  
10 inability to perform out-of-county autopsies?  
11 A. Correct.  
12 Q. Is that per year?  
13 A. Yes.  
14 Q. And when you say loses hundreds of  
15 thousands of dollars, you're talking about  
16 revenue?  
17 A. That's correct.  
18 Q. That doesn't take into consideration  
19 the costs that would be incurred by Summit  
20 County in order to perform those out-of-county  
21 autopsies or have staffing to perform those  
22 out-of-county autopsies, correct?  
23 MR. PENDELL: Objection to form.  
24 A. Semi-correct I guess. I mean, so  
25 those costs -- the majority of those costs are,

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1 essentially, costs that are already there  
2 regardless of whether we perform them or not.  
3 Those out-of-county autopsy fees, under Ohio  
4 statute, go into what they call the medical  
5 examiner's lab fund, and are used to pay for  
6 maintenance and purchase of equipment for the  
7 medical examiner's office. So where we really  
8 lose out budgetarily is the general fund has had  
9 to supplement the cost of maintaining that  
10 portion of the medical examiner's budget for the  
11 last two years and likely will continue to have  
12 to do that going forward.  
13 Q. You're saying the general fund has  
14 to supplement money that otherwise would have  
15 been contributed from the fees for performing  
16 out-of-county autopsies?  
17 A. That's correct.  
18 Q. But in order to perform  
19 out-of-county autopsies, you would need another  
20 medical examiner?  
21 A. That's correct.  
22 Q. And Summit County would incur the  
23 costs of having that medical examiner?  
24 A. That's correct.  
25 Q. Plus Summit County would incur the

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1 costs of performing the out-of-county autopsies  
2 themselves?  
3 A. Yeah. There's not a whole lot of  
4 additional costs when it comes to performing  
5 out-of-county autopsies. I mean, we were  
6 staffed -- as an analogy, we were staffed with  
7 three medical examiners at a level that afforded  
8 them enough time to handle in-county caseloads  
9 plus the out-of-county work that came their way.  
10 Now, those three medical examiners -- so we're  
11 still paying those costs, those salaries, which  
12 is the biggest driver of that, but we just no  
13 longer have the capacity to do the out-of-county  
14 work, so that most of the costs associated with  
15 out-of-county autopsies are costs that we still  
16 have.  
17 Q. Over the past five years what has  
18 been the increase in the number of autopsies  
19 performed by the medical examiner's office?  
20 A. I don't have those numbers. Those  
21 were, I believe, included in our original  
22 analysis we put together back in 2017.  
23 Q. Do you believe it's increased  
24 between 2013 and now?  
25 A. Oh, definitely, yes.

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| <p style="text-align: right;">Page 130</p> <p>1 Q. Focusing, then, on the increased<br/>2 number of autopsies performed by the medical<br/>3 examiner's office, what percentage of those<br/>4 additional autopsies are attributable to deaths<br/>5 resulting from the use of a prescription opioid?<br/>6 A. Just the prescription component of<br/>7 the opioid?<br/>8 Q. Yes.<br/>9 A. I don't have that information.<br/>10 Q. And what percentage of the<br/>11 additional autopsies that the Summit County<br/>12 Medical Examiner's Office is performing over the<br/>13 past five years involve a decedent who died from<br/>14 an overdose and had used a prescription opioid<br/>15 at some point in the past?<br/>16 A. Again, Dr. Kohler would be the one<br/>17 that may have that information. I do not.<br/>18 Q. Earlier when I asked you what are<br/>19 the medical examiner costs that Summit County<br/>20 has incurred and that it's seeking in this case,<br/>21 you said the biggest one is the lost revenue<br/>22 from performing out-of-county autopsies,<br/>23 correct?<br/>24 A. Correct.<br/>25 Q. What other, if any, medical examiner</p>   | <p style="text-align: right;">Page 132</p> <p>1 mentioned lab testing. What are the specific<br/>2 lab testing costs?<br/>3 A. Additional supplies. I think we<br/>4 bought an additional piece of equipment. I<br/>5 don't know if it was last year or the year<br/>6 before as well.<br/>7 Q. So the lab testing costs include<br/>8 supplies and one additional piece of equipment?<br/>9 A. I believe so, yes.<br/>10 Q. And these are supplies that are<br/>11 necessary to perform any autopsy?<br/>12 A. I don't know that I can speak to<br/>13 that having never performed an autopsy.<br/>14 Q. Do you know what the supplies are<br/>15 that you're referring to?<br/>16 A. Supplies related to the toxicology<br/>17 work they do, the slides, whatever they use for<br/>18 tissue sample. I'm not an expert. I don't<br/>19 know.<br/>20 Q. And so these are supplies that are<br/>21 used to perform any and every autopsy?<br/>22 A. I don't know if -- I can't quantify<br/>23 that answer. That's a Dr. Kohler answer.<br/>24 Q. What is the additional piece of<br/>25 equipment that you believe the medical</p>                        |
| <p style="text-align: right;">Page 131</p> <p>1 costs is Summit County seeking?<br/>2 A. There were additional costs<br/>3 associated with lab testing, with body<br/>4 transport. We had a \$25,000 contract with an<br/>5 agency to do body transports. We had to double<br/>6 that contract to \$50,000. We have overtime<br/>7 costs. We added an additional investigator, and<br/>8 that investigator was originally added and then<br/>9 put on the county's lab fund. So when the<br/>10 county ends up subsidizing, through the general<br/>11 fund, the lab fund, based on our financial<br/>12 situation in Summit County, we don't have<br/>13 additional revenues to cover that.<br/>14 What that means is something else<br/>15 doesn't get paid for. And the big loser to the<br/>16 county, the county's budget, in all of this has<br/>17 truly been the county's capital investments in<br/>18 buildings, equipment, car replacements,<br/>19 maintaining facilities, HVAC systems, roof<br/>20 replacements. All of that stuff has suffered as<br/>21 a result of money that we have had to divert<br/>22 into helping out with this opiate issue.<br/>23 Q. Okay. I was asking about medical<br/>24 examiner costs besides the lost revenue from<br/>25 performing out-of-county autopsies, and you</p> | <p style="text-align: right;">Page 133</p> <p>1 examiner's office purchased?<br/>2 A. We purchased a -- I'm trying -- a --<br/>3 what was it? A gas -- gastro -- gastrometer<br/>4 something. I don't remember the name of it.<br/>5 Q. What does it do?<br/>6 A. I don't remember. I was told at the<br/>7 time we made the purchase what it did.<br/>8 Q. When was it purchased?<br/>9 A. It was -- I believe it was either<br/>10 last year or the year before.<br/>11 Q. So 2017 or 2018?<br/>12 A. Yes. Possibly even 2016, but<br/>13 somewhere right in that time frame.<br/>14 Q. Did the piece of equipment that was<br/>15 purchased in 2017 or 2018 replace equipment that<br/>16 the medical examiner's office already had?<br/>17 A. I believe it did, yes, but that's<br/>18 one of those purchases that would have been paid<br/>19 for out of lab fund dollars that were not<br/>20 available to pay for it.<br/>21 Q. Well, this piece of equipment, was<br/>22 this increasing the technical capacity of the<br/>23 medical examiner's office or just replacing old<br/>24 equipment?<br/>25 A. I think it's both, but I would defer</p> |

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| <p style="text-align: right;">Page 134</p> <p>1 to Dr. Kohler on that answer, though.</p> <p>2 Q. What additional technical capacity</p> <p>3 did the medical examiner's office need such that</p> <p>4 it purchased this equipment that it didn't need</p> <p>5 it before?</p> <p>6 A. That's not a question I'm qualified</p> <p>7 to answer.</p> <p>8 Q. Was it prompted by the fact that the</p> <p>9 medical examiner's office was now seeing</p> <p>10 fentanyl and carfentanil and analogs to fentanyl</p> <p>11 and carfentanil in the autopsies and it needed</p> <p>12 to test for those things?</p> <p>13 MR. PENDELL: Object to form.</p> <p>14 A. I can't say specifically. I do know</p> <p>15 back when fentanyl and carfentanil kind of hit</p> <p>16 the scene, that we -- that Dr. Kohler was</p> <p>17 having, with carfentanil I think in particular,</p> <p>18 a very difficult time being able to get that to</p> <p>19 show up in the kind of standard sets of tests</p> <p>20 that they run. I don't remember what the</p> <p>21 solution that ultimately -- if this was part of</p> <p>22 that or this was just something different.</p> <p>23 Q. So was it the increasing incidence</p> <p>24 of fentanyl and carfentanil in the overdoses</p> <p>25 that were being autopsied that led to the need</p> | <p style="text-align: right;">Page 136</p> <p>1 A. Primarily the investigators.</p> <p>2 Q. How many investigators are there in</p> <p>3 the medical examiner's office?</p> <p>4 A. I think we're at -- I believe it's</p> <p>5 six investigators and two supervising</p> <p>6 investigators.</p> <p>7 Q. How many were there in 2018?</p> <p>8 A. We had that many in 2018.</p> <p>9 Q. Six investigators plus two</p> <p>10 supervisors?</p> <p>11 A. I believe so.</p> <p>12 Q. How many in 2017?</p> <p>13 A. I believe we had that number in '17</p> <p>14 as well.</p> <p>15 Q. Six investigators plus two</p> <p>16 supervisors?</p> <p>17 A. Yes.</p> <p>18 Q. How many in 2016?</p> <p>19 A. I would -- and forgive me because</p> <p>20 all this stuff kind of runs together. It was</p> <p>21 either -- it was probably 2016 that we added an</p> <p>22 additional investigator. It could have been</p> <p>23 2015, though.</p> <p>24 Q. And how many supervisors in 2016?</p> <p>25 A. Two.</p>  |
| <p style="text-align: right;">Page 135</p> <p>1 to purchase this additional piece of equipment?</p> <p>2 MR. PENDELL: Objection to form.</p> <p>3 A. I don't know that it was -- I don't</p> <p>4 remember it being conveyed to me that way. I</p> <p>5 don't know for sure.</p> <p>6 Q. Who would know about these claimed</p> <p>7 costs incurred by the medical examiner's office?</p> <p>8 A. Dr. Kohler would be the -- would</p> <p>9 have more detail on the types of questions</p> <p>10 you're asking.</p> <p>11 Q. Did you reach out to Dr. Kohler to</p> <p>12 understand what the medical examiner costs were</p> <p>13 that are being sought in this case prior to</p> <p>14 today's deposition?</p> <p>15 A. Well, back in 2017, when we did our</p> <p>16 original analysis of cost, we talked with</p> <p>17 Dr. Kohler about the costs she was incurring.</p> <p>18 Q. Since then have you talked to her?</p> <p>19 A. Not specific to this, no.</p> <p>20 Q. And did you talk to her to prepare</p> <p>21 for today's deposition?</p> <p>22 A. I did not.</p> <p>23 Q. You said overtime is a cost?</p> <p>24 A. Overtime is a cost.</p> <p>25 Q. Overtime by which personnel?</p>  | <p style="text-align: right;">Page 137</p> <p>1 Q. How many supervisors in 2015?</p> <p>2 A. Two.</p> <p>3 Q. How many investigators in 2014?</p> <p>4 A. I would assume two.</p> <p>5 Q. Investigators.</p> <p>6 A. Oh, investigators. We would have</p> <p>7 had five investigators and two supervisors.</p> <p>8 Q. How many in 2013?</p> <p>9 A. I believe it was five and two. I</p> <p>10 don't recall any changes. Again, I'd have to go</p> <p>11 back and look, but I don't recall changes other</p> <p>12 than adding that additional investigator</p> <p>13 somewhere in that '15, '16 time range.</p> <p>14 Q. Since 2013 the medical examiner's</p> <p>15 office has had two supervisors?</p> <p>16 A. I believe so, yes.</p> <p>17 Q. And since 2013 the medical</p> <p>18 examiner's office has had either five or six</p> <p>19 investigators?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. And you believe that that sixth</p> <p>22 investigator was hired either in 2016 or 2017?</p> <p>23 A. I believe so.</p> <p>24 Q. And who made the decision to hire</p> <p>25 that additional investigator?</p> |

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| <p style="text-align: right;">Page 138</p> <p>1 A. Dr. Kohler came to us and requested<br/>2 it.<br/>3 Q. When?<br/>4 A. So that request really -- I know it<br/>5 came prior to the issues with the lab fund,<br/>6 because the -- we did two things. We agreed to<br/>7 hire the additional investigator, pay them out<br/>8 of the lab fund, and then we also went back and<br/>9 revisited the fee schedule for out-of-county<br/>10 autopsies, which had not been updated in several<br/>11 years, and updated that to help produce some<br/>12 more revenue to help pay for the investigator.<br/>13 Q. And what was Dr. Kohler's rationale<br/>14 for needing to hire one more investigator either<br/>15 in 2016 or 2017?<br/>16 A. Higher caseloads. I'm going to<br/>17 guess it was probably '15 or '16, because the<br/>18 lab fund really began struggling in 2017 because<br/>19 I know I've provided general fund dollars to<br/>20 keep it afloat in both 2017 and 2018.<br/>21 Q. So is it your testimony that since<br/>22 2013 the medical examiner's office has always<br/>23 had two supervisors and it's had either five or<br/>24 six investigators and that it hired the sixth<br/>25 investigator in 2015 or 2016?</p> | <p style="text-align: right;">Page 140</p> <p>1 Q. When did Dr. Kohler first request a<br/>2 second toxicologist?<br/>3 A. It was at least two years ago.<br/>4 Q. And to whom did Dr. Kohler make that<br/>5 request?<br/>6 A. To myself and Mr. Dodson.<br/>7 Q. And I take it that request has not<br/>8 been granted so far?<br/>9 A. That is correct.<br/>10 Q. What is your reasoning for not<br/>11 granting a second toxicologist per Dr. Kohler's<br/>12 request?<br/>13 A. Lack of funding.<br/>14 We also have -- we have a position<br/>15 that, I think our thought was, down the road<br/>16 when that person retires, rather than replace<br/>17 that position, we would likely hire a second<br/>18 toxicologist into that position instead, so she<br/>19 is kind of playing the waiting game so that we<br/>20 can do it within budget.<br/>21 Q. Focusing on the medical examiner's<br/>22 office, since 2013 is it accurate to say that<br/>23 only one position has been created and that is<br/>24 the position of an investigator?<br/>25 MR. PENDELL: Objection to form.</p> |
| <p style="text-align: right;">Page 139</p> <p>1 A. Off the top of my head, that is my<br/>2 best recollection of those employee counts. I<br/>3 can say for certain we hired an additional<br/>4 investigator and put them on the lab fund in<br/>5 '15, '16-ish time frame.<br/>6 Q. How many toxicologists does the<br/>7 medical examiner's office have currently?<br/>8 A. One toxicologist.<br/>9 Q. How many in 2018?<br/>10 A. One.<br/>11 Q. How many in 2017?<br/>12 A. One.<br/>13 Q. How many in 2016?<br/>14 A. One.<br/>15 Q. How many in 2015?<br/>16 A. One.<br/>17 Q. How many in 2014?<br/>18 A. One.<br/>19 Q. How many in 2013?<br/>20 A. One.<br/>21 Q. Okay.<br/>22 A. She has requested that she would<br/>23 like a second toxicologist.<br/>24 Q. Dr. Kohler has requested?<br/>25 A. Yep.</p>  | <p style="text-align: right;">Page 141</p> <p>1 A. It is semi-accurate to say that, I<br/>2 guess. It is true, we have added one<br/>3 investigator. That position was added and is<br/>4 currently on the county's payroll. A plan was<br/>5 put together to add a fourth medical examiner<br/>6 position, but that then kind of -- and it was<br/>7 agreed upon and then just kind of fell apart<br/>8 when we lost the third medical investigator.<br/>9 Q. Okay. But since 2013 the medical<br/>10 examiner's office has always had one<br/>11 toxicologist?<br/>12 A. Um-hum.<br/>13 Q. Correct?<br/>14 A. Yes.<br/>15 Q. It's always had two supervisors,<br/>16 correct?<br/>17 A. Yes.<br/>18 Q. It's either had five or six<br/>19 investigators, correct?<br/>20 A. Yes.<br/>21 Q. And it's always had two or three<br/>22 medical examiners?<br/>23 A. Correct.<br/>24 Q. And other than hiring Todd Barr to<br/>25 fill the position that was left vacant when</p>   |



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| <p style="text-align: right;">Page 142</p> <p>1 Dorothy Dean left, the only plans that have been<br/>2 discussed to hire someone else are to hire this<br/>3 resident who can join the office in 2019,<br/>4 correct?<br/>5 A. That is correct, but don't forget,<br/>6 in addition, we started contracting out autopsy<br/>7 work to non-county employee medical examiners,<br/>8 so that third position is being filled by<br/>9 contract workers. And when we get into 2019,<br/>10 we'll have to make a decision about whether we<br/>11 continue that practice in addition to this third<br/>12 medical examiner, and whether we can afford to<br/>13 continue that practice becomes the other<br/>14 practicality in all of this for us.<br/>15 Q. How many contractors is Summit<br/>16 County paying in 2019 to do autopsies?<br/>17 A. We have -- I believe it's two or<br/>18 three different what they call locum contract<br/>19 persons that come in and do this work for us.<br/>20 Q. How many did Summit County have in<br/>21 2018?<br/>22 A. We have -- we will have the same in<br/>23 '18, or had the same -- excuse me -- in '18.<br/>24 Q. How many in 2017?<br/>25 A. I think at the point Dr. Barr left,</p> | <p style="text-align: right;">Page 144</p> <p>1 spike, we had to stop doing out-of-county<br/>2 autopsies -- that occurred somewhere in that '15<br/>3 to '16 time frame -- and we had to start hiring<br/>4 somebody -- we had to hire locums and then a<br/>5 third medical examiner just to keep up with the<br/>6 in-county work, and we really were not -- I<br/>7 don't know that we've kept up with it. I think<br/>8 there's still a backlog of cases that need<br/>9 finalized.<br/>10 Q. Before Dorothy Dean left did Summit<br/>11 County pay contractors to perform autopsies?<br/>12 A. No.<br/>13 Q. During the time between Dorothy Dean<br/>14 leaving and Todd Barr joining Summit County did<br/>15 pay contractors?<br/>16 A. Yes.<br/>17 Q. When Todd Barr filled the spot that<br/>18 Dorothy Dean had vacated, did Summit County<br/>19 continue to pay contractors to perform<br/>20 autopsies?<br/>21 A. No.<br/>22 Q. Okay. And then at some point<br/>23 thereafter Summit County started to use<br/>24 contractors again to perform autopsies?<br/>25 A. Yes.</p> |
| <p style="text-align: right;">Page 143</p> <p>1 which I think was in '17, most of '17 we had<br/>2 none, and then we reached out to these handful<br/>3 when he left.<br/>4 Q. Did Summit County pay contractors to<br/>5 do autopsies before 2017?<br/>6 A. Yes. In that interim period, when<br/>7 Dorothy Dean retired and before Todd Barr<br/>8 started working for us, we were paying them<br/>9 as -- then as well. I don't remember if it was<br/>10 three of them or not, but --<br/>11 Q. Okay. Did Summit County pay<br/>12 contractors to perform autopsies before Dorothy<br/>13 Dean left?<br/>14 A. No.<br/>15 Q. So since 2013, Summit County first<br/>16 started using contractors to perform autopsies<br/>17 when Dorothy Dean left?<br/>18 A. Yes.<br/>19 Q. And that was either in 2016 or 2017?<br/>20 A. No. That was when Todd Barr left.<br/>21 Dorothy Dean left earlier, '13 or '14, somewhere<br/>22 in there. So the reality is when Dorothy Dean<br/>23 was there, we were not paying contractors and we<br/>24 were performing out-of-county autopsy work.<br/>25 After Dorothy Dean left and caseloads began to</p>   | <p style="text-align: right;">Page 145</p> <p>1 Q. When was that?<br/>2 A. That would have been after Todd<br/>3 left.<br/>4 Q. And you believe he left in 2017?<br/>5 A. I believe so, yes.<br/>6 Q. And so when he left -- if he left in<br/>7 2017, Summit County used two or three<br/>8 contractors?<br/>9 A. Yes.<br/>10 Q. And then used two or three<br/>11 contractors in 2018?<br/>12 A. Yes.<br/>13 Q. And is still using two or three<br/>14 contractors?<br/>15 A. Yes.<br/>16 Q. And how much did Summit County pay<br/>17 the contractors to perform these autopsies in<br/>18 2017?<br/>19 A. I think the rate is a thousand<br/>20 dollars per autopsy.<br/>21 Q. And how many autopsies did they<br/>22 perform?<br/>23 A. I don't know offhand. If I recall,<br/>24 we -- we entered into about \$75,000 worth of<br/>25 contracts.</p>   |



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| <p style="text-align: right;">Page 146</p> <p>1 Q. In 2017?</p> <p>2 A. In -- no. In 2018, for a full year.</p> <p>3 Q. Okay. So you paid these contractors</p> <p>4 \$75,000 in 2018 to perform autopsies?</p> <p>5 A. Well, I'm not going to say we paid</p> <p>6 them that. I know we -- I believe that we</p> <p>7 approved \$75,000 worth of contracts.</p> <p>8 Q. How much was approved for 2017?</p> <p>9 A. I don't recall. It only would have</p> <p>10 been for a partial year, so it would have been a</p> <p>11 smaller amount.</p> <p>12 Q. Okay. So to make sure I understand,</p> <p>13 the first time that the medical examiner's</p> <p>14 office paid contractors to perform autopsies was</p> <p>15 the period when -- after Dorothy Dean had left</p> <p>16 and before Todd Barr had joined?</p> <p>17 A. Yes.</p> <p>18 Q. And then it wasn't until Todd Barr</p> <p>19 left that Summit County again started paying</p> <p>20 contractors to perform autopsies?</p> <p>21 A. That is correct.</p> <p>22 Q. And Summit County paid or approved</p> <p>23 approximately \$75,000 to be paid to contractors</p> <p>24 for autopsies in 2018, correct?</p> <p>25 A. That's my recollection, yes.</p>  | <p style="text-align: right;">Page 148</p> <p>1 A. So I don't know that I can answer if</p> <p>2 the crime rate itself has increased, but what I</p> <p>3 can tell you is that from 2013 to 2016 the</p> <p>4 number of cases prosecuted by the Summit County</p> <p>5 Prosecutor's Office has increased.</p> <p>6 Q. Has the crime rate in Summit County</p> <p>7 increased or decreased over the past ten years?</p> <p>8 MR. PENDELL: Objection to form.</p> <p>9 A. I have not reviewed -- and I would</p> <p>10 assume you're referring to like FBI crime rate</p> <p>11 statistics. I have not reviewed any of those</p> <p>12 statistics but have reviewed caseload stats, as</p> <p>13 I mentioned.</p> <p>14 Q. My question was specific, and if you</p> <p>15 don't know, you don't know.</p> <p>16 Do you know whether the crime rate</p> <p>17 in Summit County has increased or decreased over</p> <p>18 the past five years?</p> <p>19 MR. PENDELL: Objection to form.</p> <p>20 A. I do not know the answer to that.</p> <p>21 Q. Do you know whether the crime rate</p> <p>22 in Summit County has increased or decreased over</p> <p>23 the past ten years?</p> <p>24 MR. PENDELL: Objection. Form.</p> <p>25 A. I know caseloads at the prosecutor's</p> |
| <p style="text-align: right;">Page 147</p> <p>1 Q. And something less than \$75,000 was</p> <p>2 approved to pay contractors to perform autopsies</p> <p>3 in 2017?</p> <p>4 A. That's my recollection.</p> <p>5 Q. So the cost to Summit County of</p> <p>6 paying these two or three contractors to perform</p> <p>7 autopsies is lower than the cost of hiring a</p> <p>8 medical examiner?</p> <p>9 A. Yes. It's kind of a multi-part</p> <p>10 question. I mean, if we had them come in and</p> <p>11 perform the same amount of work as a full-time</p> <p>12 medical examiner, I don't know if that would be</p> <p>13 the case, but it provided flexibility for us to</p> <p>14 be able to call them when we needed them and not</p> <p>15 pay somebody if nobody is showing up at the</p> <p>16 door, which hasn't really been the case for the</p> <p>17 last several years, but it -- it also allowed us</p> <p>18 to -- as I mentioned earlier, the difficulty in</p> <p>19 trying to find a full-time employee. We had to</p> <p>20 implore kind of what I'd call stop gap measures</p> <p>21 to keep everything afloat until we could get a</p> <p>22 new full-time person in.</p> <p>23 Q. Has the crime rate in Summit County</p> <p>24 increased or decreased over the past five years?</p> <p>25 MR. PENDELL: Objection to form.</p> | <p style="text-align: right;">Page 149</p> <p>1 office have increased. I cannot tell you about</p> <p>2 the overall crime rate in the county.</p> <p>3 Q. And you said that before and you</p> <p>4 said you know that happened between 2013 and</p> <p>5 2016.</p> <p>6 A. And I know that only because those</p> <p>7 are the only years I actually looked at it.</p> <p>8 They could have increased over the last ten</p> <p>9 years as well.</p> <p>10 Q. Has the rate of drug crime increased</p> <p>11 or decreased over the past five years?</p> <p>12 MR. PENDELL: Objection to form.</p> <p>13 A. The rate of drug prosecutions by the</p> <p>14 prosecutor's office from 2013 to 2016 increased</p> <p>15 42 percent.</p> <p>16 Q. Over the past five years has the</p> <p>17 drug crime rate gone up or down?</p> <p>18 MR. PENDELL: Objection.</p> <p>19 A. The number of prosecuted cases has</p> <p>20 gone up.</p> <p>21 Q. Has the drug crime rate over the</p> <p>22 past ten years gone up or down?</p> <p>23 MR. PENDELL: Objection.</p> <p>24 A. I can't -- I can't tell you. I</p> <p>25 don't know.</p>  |

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| <p style="text-align: right;">Page 150</p> <p>1 Q. Has the rate of opioid-related<br/>2 crimes gone up or down over the past five years?<br/>3 MR. PENDELL: Objection.<br/>4 A. My answer would be intuitive. I<br/>5 haven't seen an exact stat on opiate, but I<br/>6 would assume, given the increase in all of the<br/>7 statistics we've talked about, that the number<br/>8 of the increase in felony drug possession cases<br/>9 by the prosecutor's office would indicate that<br/>10 the number of opiate crimes has increased.<br/>11 Q. And you said that's your assumption?<br/>12 A. Yes.<br/>13 Q. You don't know?<br/>14 A. I don't have a statistic on that.<br/>15 Q. Has the rate of opioid-related<br/>16 crimes increased or decreased over the last ten<br/>17 years?<br/>18 MR. PENDELL: Objection to form.<br/>19 A. Same answer as the last one.<br/>20 Q. Has the number of drug crimes<br/>21 involving opioids increased or decreased over<br/>22 the past five years?<br/>23 MR. PENDELL: Objection.<br/>24 A. How is that question different than<br/>25 the previous ones?</p> | <p style="text-align: right;">Page 152</p> <p>1 the percentage of child placement cases that<br/>2 were opioid related?<br/>3 A. Correct.<br/>4 Q. Did they use a specific list of<br/>5 placement cases to conduct that review?<br/>6 A. I was not a part of that review. I<br/>7 don't know -- I can't answer any questions on<br/>8 what the criteria was.<br/>9 Q. Have you seen any records that show<br/>10 which cases they looked at?<br/>11 MR. ARNOLD: Objection to form.<br/>12 A. I have not seen a listing.<br/>13 Q. Are you aware of the number of<br/>14 people in Summit County who used prescription<br/>15 opioids, became addicted to opioids, and then<br/>16 used illegal opioids and entered the criminal<br/>17 justice system?<br/>18 MR. PENDELL: Objection. Form.<br/>19 A. No. I have not seen a statistic on<br/>20 that. I, again, can only infer from, as I<br/>21 mentioned earlier, the data regarding OARRS and<br/>22 the increase in caseloads both in the criminal<br/>23 justice system, the overdoses, that there are<br/>24 probably a large number of people who started<br/>25 off with prescription-based opioids, who, when</p> |
| <p style="text-align: right;">Page 151</p> <p>1 Q. I asked you before about the rates.<br/>2 Now I'm just asking you about pure number.<br/>3 Has the number of opioid-related<br/>4 crimes increased or decreased over the past five<br/>5 years?<br/>6 MR. PENDELL: Objection.<br/>7 A. I'm still not following how that's<br/>8 different than the rates. Were you talking<br/>9 percentages before?<br/>10 Q. Well, my question right now is, the<br/>11 number of opioid-related crimes, has that gone<br/>12 up or down over the last five years?<br/>13 A. I think my answer to that would be<br/>14 the same as the previous answer.<br/>15 Q. That it's your assumption that it<br/>16 went up?<br/>17 A. It's my assumption that it went up.<br/>18 Q. Has the number of opioid-related<br/>19 crimes increased or decreased over the last ten<br/>20 years?<br/>21 MR. PENDELL: Objection.<br/>22 A. Same answer.<br/>23 Q. Earlier you said that in your<br/>24 meeting with Ms. Barnes and Mr. Kearns, they<br/>25 described a review of SACWIS data to determine</p>                           | <p style="text-align: right;">Page 153</p> <p>1 the OARRS requirement went into place, ended up<br/>2 moving on to illegal opioids.<br/>3 Q. My question was, are you aware of<br/>4 the number of people in Summit County who used<br/>5 prescription opioids, became addicted to<br/>6 opioids, then used illegal opioids and entered<br/>7 the criminal justice system?<br/>8 MR. PENDELL: Objection.<br/>9 A. I haven't conducted a survey on<br/>10 that, no.<br/>11 Q. Have you directed anyone else to do<br/>12 that?<br/>13 A. I have not.<br/>14 Q. Do you know of anyone else in Summit<br/>15 County who has done that?<br/>16 A. I am not aware. That does not mean<br/>17 it may not exist.<br/>18 Q. Can you point me to any individual<br/>19 who fits that description, used prescription<br/>20 opioids, became addicted to opioids, then used<br/>21 illicit or unlawful opioids and entered the<br/>22 criminal justice system?<br/>23 MR. PENDELL: Objection.<br/>24 A. Can I personally point you?<br/>25 Q. Yes.</p>   |

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| <p style="text-align: right;">Page 154</p> <p>1 A. Let me think about that for a<br/>2 minute.</p> <p>3 MR. PENDELL: And I'm just objecting<br/>4 to the form and scope, but you can go ahead.</p> <p>5 A. You know, I am aware of some people<br/>6 -- I don't know that I'm going to say they ended<br/>7 up in the criminal justice system, but who<br/>8 either ended up in the hospital, or another<br/>9 gentleman I'm thinking actually lost a licensure<br/>10 because of a situation like that. And I'm<br/>11 certainly not going to go into any detail on<br/>12 those cases or who those people are.</p> <p>13 Q. But my question was specific. Can<br/>14 you point to anybody who used prescription<br/>15 opioids, became addicted to opioids, then used<br/>16 illicit or unlawful opioids and then entered the<br/>17 criminal justice system, that is they were<br/>18 charged with and prosecuted for a drug crime<br/>19 involving opioids?</p> <p>20 MR. PENDELL: Objection.</p> <p>21 Q. Can you point to anyone?</p> <p>22 MR. PENDELL: Objection. Form and<br/>23 scope.</p> <p>24 A. Not off the top of my head do I<br/>25 personally know somebody or can think that I</p>   | <p style="text-align: right;">Page 156</p> <p>1 Q. Who is that judge?</p> <p>2 A. That was Judge Joy Oldfield.</p> <p>3 Q. That didn't answer my question at<br/>4 all.</p> <p>5 A. To answer your question, I do not --<br/>6 I cannot, off the top of my head, personally<br/>7 think of somebody in that situation.</p> <p>8 Q. That wasn't my question either. I<br/>9 already asked that question and you said you<br/>10 couldn't name anyone.</p> <p>11 The question I just asked was, have<br/>12 you undertaken to determine the percentage of<br/>13 people who are in the criminal justice system<br/>14 because they were convicted of a drug crime who<br/>15 used prescription opioids, developed an<br/>16 addiction to opioids, then used illicit opioids<br/>17 and were then arrested and prosecuted because of<br/>18 a drug crime involving opioids?</p> <p>19 MR. PENDELL: Objection to form.</p> <p>20 MR. ARNOLD: Objection to form.</p> <p>21 Q. Have you undertaken to do that?</p> <p>22 MR. PENDELL: Same objection.</p> <p>23 A. So your question is have I gone out<br/>24 and surveyed all the prisoners in the jail to<br/>25 ask them if they started out on prescription</p> |
| <p style="text-align: right;">Page 155</p> <p>1 personally know somebody in that situation.</p> <p>2 Q. Have you undertaken to determine the<br/>3 percentage of people who were convicted of a<br/>4 drug crime who used prescription opioids,<br/>5 developed an addiction, then used illicit<br/>6 opioids and then were charged with and convicted<br/>7 of a drug crime because of their use of illicit<br/>8 opioids?</p> <p>9 MR. PENDELL: Objection.</p> <p>10 A. So, to me, these are interesting<br/>11 questions as a -- personal questions as a<br/>12 representative of Summit County. I personally<br/>13 cannot think of anybody in that situation, but<br/>14 as I have talked with people that -- in the<br/>15 county that deal with people in that situation,<br/>16 the first person I'm thinking about is one of<br/>17 the judges who runs the Turning Point program,<br/>18 who told me that 71 out of the 85 people who<br/>19 participated in that last year were there<br/>20 because of an opioid addiction, and that, yes,<br/>21 it is quite common for people to -- to use a<br/>22 prescription opiate and eventually end up on an<br/>23 illegal opiate substance and in the criminal<br/>24 justice system. So I have been told that<br/>25 happens quite routinely.</p> | <p style="text-align: right;">Page 157</p> <p>1 opioids?</p> <p>2 Q. Have you done anything to undertake<br/>3 that?</p> <p>4 A. I don't know that that's my role<br/>5 with the county, to undertake something like<br/>6 that.</p> <p>7 Q. Whether it's your role or not, have<br/>8 you undertaken to do that?</p> <p>9 A. I have not.</p> <p>10 Q. Have you asked anyone else to do it?</p> <p>11 A. I have not.</p> <p>12 Q. To your knowledge, has anyone else<br/>13 at Summit County studied that?</p> <p>14 A. I do not know.</p> <p>15 Q. Did the -- in 2018 did the ADM Board<br/>16 create any new positions because of the opioid<br/>17 problem?</p> <p>18 A. In the 2019 -- 2019 budget, the ADM<br/>19 Board has requested an additional position. I<br/>20 do not know offhand if that is specifically<br/>21 related to the opiate issue or not.</p> <p>22 Q. What is the new position it's<br/>23 requested?</p> <p>24 A. I don't recall. I just recall that<br/>25 they were going from 20 employees to 21</p>  |

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| <p style="text-align: right;">Page 158</p> <p>1 full-time employees.</p> <p>2 Q. Has that request been granted?</p> <p>3 A. Yes.</p> <p>4 Q. How about in 2018; did the ADM Board</p> <p>5 create any new position because of the opioid</p> <p>6 problem in Summit County?</p> <p>7 A. They did not, but let's not forget</p> <p>8 the ADM Board is essentially a contracting</p> <p>9 entity that essentially -- when it comes to</p> <p>10 service providers, when it comes to addiction</p> <p>11 treatment and all of those services, it's the</p> <p>12 non-profits who contract with ADM who have added</p> <p>13 positions and requested additional dollars to</p> <p>14 deal with the opioid epidemic, not the ADM Board</p> <p>15 itself.</p> <p>16 Q. In 2018 did the ADM Board create any</p> <p>17 new position because of the opioid problem in</p> <p>18 Summit County?</p> <p>19 A. They did not.</p> <p>20 Q. How about in 2017?</p> <p>21 A. They did not.</p> <p>22 Q. 2016?</p> <p>23 A. I do not believe.</p> <p>24 Q. 2015?</p> <p>25 A. I do not believe.</p>   | <p style="text-align: right;">Page 160</p> <p>1 A. That's correct.</p> <p>2 Q. How about 2016?</p> <p>3 A. No, they did not.</p> <p>4 Q. 2015?</p> <p>5 A. They did not.</p> <p>6 Q. 2014?</p> <p>7 A. They did not. And before that I</p> <p>8 would have to say I don't recall.</p> <p>9 Q. 2013?</p> <p>10 A. Don't recall.</p> <p>11 Q. How many new positions did the</p> <p>12 prosecutor's office create in 2018 because of</p> <p>13 the opioid problem?</p> <p>14 A. So with the prosecutor's office, you</p> <p>15 are talking about a -- an office that is</p> <p>16 restricted in funding because of the general</p> <p>17 fund restrictions on it and lack of funding for</p> <p>18 it. I don't believe they added any positions in</p> <p>19 2018.</p> <p>20 Q. So did the prosecutor's office</p> <p>21 create any new positions in 2018 because of the</p> <p>22 opioid problem?</p> <p>23 A. I do not believe so.</p> <p>24 Q. How about in 2017?</p> <p>25 A. I don't believe so.</p>  |
| <p style="text-align: right;">Page 159</p> <p>1 Q. 2014?</p> <p>2 A. I do not believe.</p> <p>3 Q. 2013?</p> <p>4 A. I don't recall that far back.</p> <p>5 Q. In 2018 did the Children Services</p> <p>6 Board create any new position because of the</p> <p>7 opioid problem?</p> <p>8 A. The Children Services Board, in</p> <p>9 their 2019 budget request, has requested five</p> <p>10 additional staffing positions for case managers.</p> <p>11 Q. What is the status of that request?</p> <p>12 A. It was approved as part of their</p> <p>13 budget, and it was also part of their levy</p> <p>14 increase request back in November to fund those.</p> <p>15 Q. In 2018 did the Children Services</p> <p>16 Board create any new positions because of the</p> <p>17 opioid problem?</p> <p>18 A. They did not. I think the</p> <p>19 additional placement costs were consuming the</p> <p>20 vast majority of any excess dollars they had.</p> <p>21 Q. In 2017 did the Children Services</p> <p>22 Board create any new positions because of the</p> <p>23 opioid problem?</p> <p>24 A. Same answer.</p> <p>25 Q. The answer is no, they did not?</p> | <p style="text-align: right;">Page 161</p> <p>1 Q. How about 2016?</p> <p>2 A. If we start getting back there, I</p> <p>3 don't recall, because they also have a number of</p> <p>4 grants that they receive.</p> <p>5 Q. How about in 2015?</p> <p>6 A. I don't recall.</p> <p>7 Q. How about 2014?</p> <p>8 A. I don't recall either.</p> <p>9 Q. How about 2013?</p> <p>10 A. I don't recall.</p> <p>11 Q. Public defender's office; in 2018</p> <p>12 did the public defender's office create any new</p> <p>13 positions because of the opioid problem?</p> <p>14 A. The public defender's office is not</p> <p>15 a county agency. They're a private non-profit,</p> <p>16 so I have no way -- I do not know.</p> <p>17 Q. Did the court of common pleas create</p> <p>18 any new positions in 2018 because of the opioid</p> <p>19 problem?</p> <p>20 A. The court of common pleas has in</p> <p>21 2018 added additional probation officers.</p> <p>22 Q. How many?</p> <p>23 A. I'm going to say about eight.</p> <p>24 Q. And to be clear, are you saying they</p> <p>25 created eight new positions for probation</p> |



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| <p style="text-align: right;">Page 162</p> <p>1 officers or they filled slots?</p> <p>2 A. They created eight new positions for</p> <p>3 probation officers.</p> <p>4 Q. In 2018?</p> <p>5 A. In late 2017, into early 2018, so</p> <p>6 part of this, and the funding for this was part</p> <p>7 of the initiative by the State of Ohio, because</p> <p>8 of overcrowding in the state's prison system, to</p> <p>9 essentially say we don't want non-violent, low</p> <p>10 level, felony 5 offenders, and that's where the</p> <p>11 big increase -- because those are primarily the</p> <p>12 drug possession cases. That's where the big</p> <p>13 increase occurred in both the local and state</p> <p>14 prisons. It's where the increase occurred in</p> <p>15 our public defense costs. The State of Ohio</p> <p>16 essentially said we won't accept prisoners</p> <p>17 sentenced to state prison anymore for those</p> <p>18 offenses and began a program called TCAP, which</p> <p>19 is Targeted Community Alternatives to Prison, to</p> <p>20 push low-level offenders back to the county</p> <p>21 level for alternative sentencing solutions.</p> <p>22 And so we -- and they provided grant</p> <p>23 money to do that. We at local level then ended</p> <p>24 up hiring -- one of the main offshoots of that</p> <p>25 were the additional eight positions hired at the</p> | <p style="text-align: right;">Page 164</p> <p>1 judges to the common pleas benches in Summit</p> <p>2 County, going from eight to ten, and staffing</p> <p>3 for those, to deal with increases in crime.</p> <p>4 That may have been even prior to 2013.</p> <p>5 Q. Can you place that in time?</p> <p>6 A. Offhand, I don't recall. Probably</p> <p>7 mid to late 2000s.</p> <p>8 Q. So you believe that the two</p> <p>9 additional judges, plus the staffing to assist</p> <p>10 those judges, was sometime before 2010?</p> <p>11 MR. PENDELL: Objection to form.</p> <p>12 A. I believe.</p> <p>13 Q. And sitting here today, your</p> <p>14 understanding is that the court of common pleas</p> <p>15 did not create any new positions because of the</p> <p>16 opioid problem between 2013 and 2017, correct?</p> <p>17 A. I have to think about -- they have</p> <p>18 added one or two positions in the court</p> <p>19 operations itself. One of -- I believe one of</p> <p>20 those positions may have been in the</p> <p>21 psycho-diagnostic -- a psycho-diagnostic</p> <p>22 evaluator, which isn't -- I'm going to say is</p> <p>23 not completely opioid related but certainly has</p> <p>24 strong ties into the opiate situation.</p> <p>25 Q. When was the psycho-diagnostic</p> |
| <p style="text-align: right;">Page 163</p> <p>1 adult probation department.</p> <p>2 The State of Ohio is also looking at</p> <p>3 sentencing -- and this is what led to State</p> <p>4 Issue 1 last year, to reform sentencing for</p> <p>5 these drug possession offenders because there</p> <p>6 are so many of them in the system who, once they</p> <p>7 get a felony conviction, can't get work anymore;</p> <p>8 that they are looking at alternative treatment</p> <p>9 programs and trying to essentially decriminalize</p> <p>10 a lot of the drug possession -- and all of this</p> <p>11 is a result of what's happened over the last</p> <p>12 several years with this opiate.</p> <p>13 Q. In 2017 did the court of common</p> <p>14 pleas create any new positions because of the</p> <p>15 opioid problem?</p> <p>16 A. They did not.</p> <p>17 Q. How about in 2016?</p> <p>18 A. They did not.</p> <p>19 Q. How about 2015?</p> <p>20 A. I don't believe.</p> <p>21 Q. How about 2014?</p> <p>22 A. I don't believe. Now --</p> <p>23 Q. How about 2013?</p> <p>24 A. -- somewhere -- and I don't recall</p> <p>25 what year this was -- we did add two additional</p>   | <p style="text-align: right;">Page 165</p> <p>1 evaluator position created?</p> <p>2 A. I think that was somewhere around</p> <p>3 2015, '14. I'm not completely sure on that,</p> <p>4 though, without going back to look.</p> <p>5 Q. Turning your attention to the eight</p> <p>6 new probation officer positions created by the</p> <p>7 court of common pleas in 2018, you said that was</p> <p>8 the result of overcrowding as a result of the</p> <p>9 state system not accepting prisoners?</p> <p>10 A. Correct.</p> <p>11 Q. And how did Summit County pay for</p> <p>12 these new -- eight new probation officer</p> <p>13 positions, using what funds?</p> <p>14 A. Grant funds provided by the state.</p> <p>15 Q. Entirely?</p> <p>16 A. Yes.</p> <p>17 Q. Turning your attention to the</p> <p>18 juvenile court, how many positions, if any, did</p> <p>19 the juvenile court create in 2018 because of the</p> <p>20 opioid problem?</p> <p>21 A. Juvenile court is a little different</p> <p>22 in the way that they operate. The judge at our</p> <p>23 juvenile court has a strong belief in</p> <p>24 alternative programming, so they tend not to</p> <p>25 hold very many kids in detention.</p>  |



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| <p style="text-align: right;">Page 166</p> <p>1 The biggest cost driver at the</p> <p>2 juvenile court is the significant increase in</p> <p>3 indigent defense costs related to those cases at</p> <p>4 the court. I do not believe -- well, they have</p> <p>5 added -- they have added some staff over the</p> <p>6 years through some alternative programming in</p> <p>7 their CASA GAL program. I don't know. I don't</p> <p>8 have specific numbers for specific years on</p> <p>9 them. I don't recall anything in the last two</p> <p>10 or three years that they've added.</p> <p>11 Q. Okay. Did the juvenile court create</p> <p>12 any new positions in 2018 because of the opioid</p> <p>13 problem?</p> <p>14 A. I don't believe so.</p> <p>15 Q. How about 2017?</p> <p>16 A. I don't believe so.</p> <p>17 Q. How about 2016?</p> <p>18 A. I don't believe so.</p> <p>19 Q. How about 2015?</p> <p>20 A. I don't recall.</p> <p>21 Q. How about 2014?</p> <p>22 A. Don't recall.</p> <p>23 Q. How about 2013?</p> <p>24 A. Don't recall.</p> <p>25 Q. Sheriff's office --</p>  | <p style="text-align: right;">Page 168</p> <p>1 eliminated several years ago. The -- we have</p> <p>2 also, over the last several years, double-bunked</p> <p>3 most of the jail to hold inmates as a result of</p> <p>4 the increase in the number of felony 5 offenders</p> <p>5 sitting at the jail.</p> <p>6 Q. Okay, sir. My question was very</p> <p>7 specific. How many positions, if any, did the</p> <p>8 sheriff's office create in 2018 because of the</p> <p>9 opioid problem?</p> <p>10 MR. PENDELL: Objection to form.</p> <p>11 A. I never did finish answering. So</p> <p>12 the reality is they're adding five, they've</p> <p>13 realigned 16 to come back to the jail, and</p> <p>14 they've requested 60.</p> <p>15 Q. So how many new positions are there?</p> <p>16 A. Five.</p> <p>17 Q. Okay. And what will these</p> <p>18 additional inmate service workers do?</p> <p>19 A. Provide recreation -- primarily</p> <p>20 recreation programming, AA and NA, which are the</p> <p>21 alcohol and drug programming services, and</p> <p>22 religious services at the jail to deal with the</p> <p>23 larger inmate population at the jail.</p> <p>24 Q. And so did the sheriff's office get</p> <p>25 these five additional inmate service workers</p> |
| <p style="text-align: right;">Page 167</p> <p>1 A. Yes.</p> <p>2 Q. -- in 2018 how many, if any, new</p> <p>3 positions did the sheriff's office create</p> <p>4 because of the opioid problem?</p> <p>5 A. Well, so the sheriff's office came</p> <p>6 to us in 2018 with a request to add 60</p> <p>7 additional deputies to his staff. That request</p> <p>8 was turned down. We do not have the funding for</p> <p>9 that. That request ultimately led to -- was one</p> <p>10 of the drivers that led to the formation of</p> <p>11 redesignating the Glenwood Jail operated by</p> <p>12 Oriana House as a community alternative</p> <p>13 sentencing center and not a county jail, which</p> <p>14 would allow for more folks who are being pushed</p> <p>15 through the prison system, particularly on these</p> <p>16 low-level, non-violent offenses, to go to</p> <p>17 this -- to the CASC and receive treatment</p> <p>18 services.</p> <p>19 The -- the result of that was also</p> <p>20 that we were able to pull 16 sheriff deputies</p> <p>21 back from what used to be the Glenwood Jail, add</p> <p>22 them to the staffing at the county jail, and</p> <p>23 then also approved hiring five -- five</p> <p>24 additional inmate service workers to help</p> <p>25 restore programming at the jail that was</p> | <p style="text-align: right;">Page 169</p> <p>1 because of the increased population at the</p> <p>2 county jail?</p> <p>3 A. Yes.</p> <p>4 Q. How many, if any, new positions did</p> <p>5 the sheriff's office create in 2017?</p> <p>6 A. As a result of the opioid epidemic?</p> <p>7 Q. Because of the opioid problem.</p> <p>8 A. The answer to that would be none.</p> <p>9 Q. How about 2016?</p> <p>10 A. None.</p> <p>11 Q. 2015?</p> <p>12 A. And I should clarify. All of these</p> <p>13 years they've requested additional staffing and</p> <p>14 gotten none because of a lack of funding.</p> <p>15 Q. Okay. So how many -- to be clear,</p> <p>16 in 2017 and 2016 the sheriff's office did not</p> <p>17 create any new positions because of the opioid</p> <p>18 problem, correct?</p> <p>19 A. They requested two and were denied.</p> <p>20 Q. Okay. Requested two in 2017?</p> <p>21 A. Yep.</p> <p>22 Q. And requested two in 2016?</p> <p>23 A. Yep.</p> <p>24 Q. And both were denied?</p> <p>25 A. Yes.</p>  |

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| <p style="text-align: right;">Page 170</p> <p>1 Q. How many, if any, new positions were<br/>2 created by the sheriff's office in 2015?<br/>3 A. They requested in '15 and were<br/>4 denied.<br/>5 Q. How many did they request in 2015?<br/>6 A. I think the number then was right<br/>7 around 24 to 26.<br/>8 Q. How many, if any, new positions were<br/>9 created by the sheriff's office in 2014 because<br/>10 of the opioid problem?<br/>11 A. 24 to 26.<br/>12 Q. Were requested?<br/>13 A. Yes.<br/>14 Q. How many were granted?<br/>15 A. None.<br/>16 Q. How many, if any, new positions were<br/>17 created by the sheriff's office in 2013 because<br/>18 of the opioid problem?<br/>19 A. Again, requested 24 to 26, and none<br/>20 were granted.<br/>21 Q. So is it accurate to say that from<br/>22 2013 to 2017, the sheriff's office did not<br/>23 create any new positions because of the opioid<br/>24 problem?<br/>25 A. It is accurate --</p>  | <p style="text-align: right;">Page 172</p> <p>1 Q. And in 2018 the sheriff's office<br/>2 added five inmate service workers because of the<br/>3 opioid problem?<br/>4 A. Yes.<br/>5 Q. And that's because of the additional<br/>6 inmate population at the county jail, correct?<br/>7 A. Yes.<br/>8 Q. Which is due to the state refusing<br/>9 to accept inmates at state-run facilities?<br/>10 MR. PENDELL: Objection to form.<br/>11 A. Not completely. The jail inmate<br/>12 population has risen steadily over the last two<br/>13 or three years, even prior to the state action.<br/>14 The creation of the CASC and more people being<br/>15 sent out of the jail to the former Glenwood<br/>16 Jail, the now CASC run by Oriana, that increase<br/>17 is truly a direct result, along with the<br/>18 additional probation officers, of the state<br/>19 refusing to accept felony 5 non-violent<br/>20 offenders.<br/>21 Q. What funds is Summit County using to<br/>22 pay for these five additional inmate service<br/>23 workers?<br/>24 A. County general fund dollars.<br/>25 Q. I had asked you before about the</p> |
| <p style="text-align: right;">Page 171</p> <p>1 MR. PENDELL: Objection.<br/>2 A. -- to say they did not create any<br/>3 new positions because of a lack of funding, but<br/>4 the need was there because of the opiate<br/>5 problem.<br/>6 Q. But if we're trying to figure out<br/>7 dollars that were spent, no new positions were<br/>8 created between 2013 and 2017 because of the<br/>9 opioid problem, correct?<br/>10 A. If we're going to start talking<br/>11 about dollars that were spent, we also had an<br/>12 increase in overtime costs at the jail during<br/>13 that period.<br/>14 Q. Sir, this is -- you can give your<br/>15 testimony down the road. Today -- and I think<br/>16 I've been quite tolerant -- I'm asking you to<br/>17 answer the question I pose. So is it accurate<br/>18 to say that between 2013 and 2017, the sheriff's<br/>19 office did not create any new positions because<br/>20 of the opioid problem? Is that accurate?<br/>21 MR. PENDELL: Objection. Form.<br/>22 Asked and answered.<br/>23 A. It is accurate to say the sheriff's<br/>24 office did not receive funding for any new<br/>25 positions during that period.</p> | <p style="text-align: right;">Page 173</p> <p>1 sheriff's office. If we talk about the sheriff<br/>2 jail category, would you have anything different<br/>3 to say about whether any new positions were<br/>4 created?<br/>5 A. No. It's all the same answers.<br/>6 Yeah.<br/>7 Q. So you don't break it out by<br/>8 sheriff's office and sheriff jail?<br/>9 A. I mean, we have a budget for sheriff<br/>10 admin, sheriff jail. When you and I are talking<br/>11 about sheriff operations, I'm thinking of the<br/>12 whole big --<br/>13 Q. So taking sheriff office admin and<br/>14 sheriff jail, the only new positions that were<br/>15 created since 2013 because of the opioid problem<br/>16 are these five additional inmate service<br/>17 workers?<br/>18 A. Yeah. They were the only positions<br/>19 funded.<br/>20 Q. Now, turning to alternative<br/>21 corrections --<br/>22 A. Okay.<br/>23 Q. -- what is that?<br/>24 A. Alternative corrections is the<br/>25 Oriana House.</p>  |

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| <p style="text-align: right;">Page 174</p> <p>1 Q. What new positions did Oriana House<br/>2 create in 2018 because of the opioid problem?<br/>3 A. So Oriana is a private,<br/>4 not-for-profit entity. I don't have an answer<br/>5 for that. I will tell you that as a result of<br/>6 the formation of the CASC, we have increased<br/>7 their budget by a total of -- I think starting<br/>8 this year, with the new operation of the CASC,<br/>9 by a total of about \$760,000, to provide for<br/>10 additional employees and additional programming<br/>11 at that facility.<br/>12 Q. Okay. Are you able to tell me for<br/>13 any year between 2013 and 2018 whether or how<br/>14 many new positions were created by Oriana House<br/>15 because of the opioid problem?<br/>16 A. I cannot. I don't have any of that<br/>17 information available.<br/>18 Q. And does Oriana House get funding<br/>19 from Summit County to provide incarceration<br/>20 services?<br/>21 A. They get -- they get funding to<br/>22 provide incarceration services, drug and alcohol<br/>23 treatment programs, home monitoring services, a<br/>24 whole host of what we would call alternative<br/>25 sentencing options.</p> | <p style="text-align: right;">Page 176</p> <p>1 A. Again, with public health, they're a<br/>2 separate entity. I don't have their employment<br/>3 information.<br/>4 The other thing I will say about<br/>5 adult probation, over the last several years, in<br/>6 addition to those eight that the state has paid<br/>7 for, they have, like the sheriff's office and<br/>8 the prosecutor's office and other entities,<br/>9 asked for funding for additional positions and<br/>10 been denied because of the lack of available<br/>11 funding. They also asked us for money to<br/>12 increase the salary of probation officers this<br/>13 year because of the caseloads and because they<br/>14 felt they weren't competitive with what other<br/>15 counties are paying, and they were denied that<br/>16 request from local dollars as well.<br/>17 - - - - -<br/>18 (Thereupon, Nelsen 30(b)(6)<br/>19 Deposition Exhibit 3, Summit County,<br/>20 Ohio Plaintiff's Second Supplemental<br/>21 Response and Objections to<br/>22 Distributor Defendants'<br/>23 Interrogatory No. 18 Pursuant to the<br/>24 Court's November 21, 2018 Order, was<br/>25 marked for purposes of</p> |
| <p style="text-align: right;">Page 175</p> <p>1 Q. Then turning your attention to adult<br/>2 probation --<br/>3 A. Yes. We did talk about that.<br/>4 That's part of common pleas court.<br/>5 Q. So you grouped that together?<br/>6 A. Yes, I did.<br/>7 Q. So talking about the court of common<br/>8 pleas and adult probation, the only new<br/>9 positions that were created since 2013 are the<br/>10 eight new probation officer positions?<br/>11 A. Yes.<br/>12 Q. Those were created in 2018, and<br/>13 those are funded by the state entirely?<br/>14 A. Those new positions, yes.<br/>15 And then there was also that<br/>16 evaluator position, I believe, at the court.<br/>17 Q. Right, which -- the<br/>18 psycho-diagnostic evaluator position?<br/>19 A. Yes.<br/>20 Q. And you placed that sometime in 2014<br/>21 or 2015?<br/>22 A. Somewhere in that range, yeah.<br/>23 Q. How about public health? Has public<br/>24 health created any new positions because of the<br/>25 opioid problem since 2013?</p>   | <p style="text-align: right;">Page 177</p> <p>1 identification.)<br/>2 - - - - -<br/>3 (Thereupon, Nelsen 30(b)(6)<br/>4 Deposition Exhibit 4, Spreadsheet<br/>5 Entitled "Summit County (\$<br/>6 Millions)," Marked Confidential, was<br/>7 marked for purposes of<br/>8 identification.)<br/>9 - - - - -<br/>10 Q. I'm showing you what has been marked<br/>11 as Nelsen 30(b)(6) Exhibit 3 and what I've<br/>12 marked as Nelsen 30(b)(6) number 4. These two<br/>13 documents were previously marked as Nelsen<br/>14 Exhibit 2 and 3 in your December deposition.<br/>15 Do you have those two documents in<br/>16 front of you?<br/>17 A. Yes.<br/>18 Q. I asked you questions about the<br/>19 chart that is Nelsen 30(b)(6) Exhibit 4 in your<br/>20 deposition in December.<br/>21 Do you recall that?<br/>22 A. Yes.<br/>23 Q. And you testified that you did not<br/>24 prepare this chart, correct?<br/>25 A. That's correct.</p>  |

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| <p style="text-align: right;">Page 178</p> <p>1 Q. You understand it was prepared by<br/>2 experts for Summit County, correct?</p> <p>3 A. That's correct.</p> <p>4 Q. That you understand that the experts<br/>5 used data that you or your office had provided,<br/>6 correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And that the only data that you are<br/>9 aware of that had been provided to those experts<br/>10 were reports of expenditures by Summit County?</p> <p>11 A. Correct.</p> <p>12 MR. PENDELL: Objection to form.</p> <p>13 Q. And when I asked you whether you<br/>14 could explain how any of these numbers were<br/>15 calculated, you said you could not, correct?</p> <p>16 MR. PENDELL: Objection to form.</p> <p>17 A. How they compiled those numbers, I<br/>18 would say that's correct.</p> <p>19 Q. So have you done anything since your<br/>20 last deposition to understand how this chart was<br/>21 put together?</p> <p>22 A. So I have not done anything to talk<br/>23 to these experts about how this chart was put<br/>24 together, but -- here's the big but, and this is<br/>25 probably a little different from the last</p>   | <p style="text-align: right;">Page 180</p> <p>1 A. Correct.</p> <p>2 Q. You said you reviewed some summaries<br/>3 of costs incurred by different departments or<br/>4 agencies?</p> <p>5 A. Correct.</p> <p>6 Q. You said that during the meeting,<br/>7 the group identified costs or categories of<br/>8 costs that were not included in those figures,<br/>9 correct?</p> <p>10 A. That's correct.</p> <p>11 Q. You said that counsel directed the<br/>12 various departments or agencies to then go out<br/>13 and calculate the costs from those missing<br/>14 categories?</p> <p>15 A. Correct.</p> <p>16 Q. And you have seen those subsequent<br/>17 analyses?</p> <p>18 A. I have.</p> <p>19 Q. And the subsequent analyses do<br/>20 include those other categories of costs that<br/>21 were missing from the earlier reports?</p> <p>22 A. From our earlier reports, yes.</p> <p>23 Q. Okay. So does this chart that --<br/>24 Nelsen 30(b)(6) Exhibit 4, does this chart<br/>25 include in these figures those costs that were</p>   |
| <p style="text-align: right;">Page 179</p> <p>1 deposition I gave -- we have spent quite a bit<br/>2 of time today talking about the fact that in<br/>3 2017 we internally put together an analysis of<br/>4 costs by departments, and, as we indicated, we<br/>5 have had some ongoing discussion about what was<br/>6 in, not in, those costs, and honing in on better<br/>7 data to verify those costs.</p> <p>8 When I go back and look at the<br/>9 analysis we put together in 2017 -- and the one<br/>10 thing I have done since the last deposition is<br/>11 sit down and compare our original analysis<br/>12 with -- in particular, for year 2016 with these<br/>13 cost centers, to see if essentially I've arrived<br/>14 at the same place through an independent means<br/>15 that these experts have arrived at, I would say<br/>16 our numbers are extremely similar in most of<br/>17 these categories.</p> <p>18 Q. So do the numbers on this chart<br/>19 include the costs from the various cost centers<br/>20 that you said were excluded from the analysis<br/>21 that was reviewed at the meeting in November?</p> <p>22 MR. PENDELL: Objection.</p> <p>23 Q. I'll break that down.</p> <p>24 You talked about a meeting in<br/>25 November?</p> | <p style="text-align: right;">Page 181</p> <p>1 to be added based on the November meeting?</p> <p>2 MR. PENDELL: Objection.</p> <p>3 Hold on one second.</p> <p>4 A. So the -- the meeting that we had in<br/>5 November, the further analyses that we did was<br/>6 independent of the damage experts, the<br/>7 economists who put together this chart, so I<br/>8 cannot tell you -- I don't know whether that<br/>9 information was relayed to them or not. I don't<br/>10 even know -- this chart may have come out before<br/>11 we had that meeting. I'm not positive on that.<br/>12 What I can tell you is that I can look at this<br/>13 chart and say that in some cost pools those<br/>14 numbers look pretty similar, in other cost pools<br/>15 this chart may be a little lower than the<br/>16 estimates that I compiled.</p> <p>17 Q. So you said that the work you did<br/>18 coming out of that November meeting was<br/>19 independent of this?</p> <p>20 A. Completely independent of this.</p> <p>21 Q. How do you know it's completely<br/>22 independent?</p> <p>23 A. I have not -- I have not supplied<br/>24 any of that information. I have seen -- I<br/>25 believe -- and I'd have to go back and look, but</p> |



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| <p style="text-align: right;">Page 182</p> <p>1 I have seen versions of this prior to that<br/> 2 analysis. I have seen versions of this and<br/> 3 compared this to our original analysis. I can't<br/> 4 sit here and say with any certainty, but my<br/> 5 understanding is this was done under a<br/> 6 completely -- other than us supplying, here's<br/> 7 our financial information, their methodology for<br/> 8 going through and putting together these costs<br/> 9 was completely independent of the analysis we<br/> 10 did.<br/> 11 Q. And when you keep saying "this,"<br/> 12 you're referring to the chart that is Nelsen<br/> 13 30(b)(6) Exhibit 4?<br/> 14 A. I am, yes.<br/> 15 Q. But the analysis that you say you<br/> 16 did that was "completely independent" is an<br/> 17 analysis that you gave to Summit County's<br/> 18 outside lawyers?<br/> 19 A. That's correct.<br/> 20 Q. But the analysis that you did, you<br/> 21 did compare that with Nelsen 30(b)(6) Exhibit 4?<br/> 22 MR. PENDELL: Objection to form.<br/> 23 A. I did.<br/> 24 Q. And you said they're roughly the<br/> 25 same?</p>   | <p style="text-align: right;">Page 184</p> <p>1 where you're comparing Summit County's outside<br/> 2 lawyers' experts' numbers with your analysis,<br/> 3 your analysis includes the additional categories<br/> 4 of costs that were identified at that November<br/> 5 meeting, correct?<br/> 6 MR. PENDELL: Objection to form.<br/> 7 A. I compared it to both my original<br/> 8 version and I have a comparison to the latest<br/> 9 version that was compiled after the November<br/> 10 meeting, yes.<br/> 11 Q. Okay. So you've compared this<br/> 12 Nelsen 30(b)(6) Exhibit 4 to the cost estimates<br/> 13 that were prepared before the November meeting<br/> 14 and discussed at the November meeting; yes?<br/> 15 A. Yes.<br/> 16 Q. And you've done a comparison, a<br/> 17 side-by-side comparison?<br/> 18 A. Yes.<br/> 19 Q. And is that reflected in writing,<br/> 20 that side-by-side comparison?<br/> 21 A. No.<br/> 22 Q. It's just you've eyeballed it?<br/> 23 A. I sat down with both of them and<br/> 24 looked one to one, yes.<br/> 25 Q. And then you did a separate</p>  |
| <p style="text-align: right;">Page 183</p> <p>1 MR. PENDELL: Objection to form.<br/> 2 A. Yeah. Some of the -- most of the<br/> 3 categories I would -- I would say this. Most of<br/> 4 the categories are within about a -- and I only<br/> 5 really compared 2016, honing in on the fact<br/> 6 that, as I mentioned earlier with like SACWIS<br/> 7 data, it wasn't until 2016 that we truly had<br/> 8 good data. I didn't go back to 2006 either in<br/> 9 the analysis I did. It focused on the periods<br/> 10 of 2013 through 2016. Most of these categories<br/> 11 are within a hundred thousand dollars.<br/> 12 There are -- one category that I had<br/> 13 costs higher than what is on this are the<br/> 14 sheriff jail and sheriff's office in particular.<br/> 15 So there are some differences. But overall,<br/> 16 they're generally fairly close.<br/> 17 Q. And what is your understanding of<br/> 18 why you have different and higher numbers for<br/> 19 sheriff and sheriff jail than is reflected in<br/> 20 Nelsen 30(b)(6) Exhibit 4?<br/> 21 MR. PENDELL: Objection to form.<br/> 22 A. I don't know because I have had no<br/> 23 conversation with the folks who compiled Nelsen<br/> 24 30(b)(6) Exhibit 4.<br/> 25 Q. And the comparison that you said</p> | <p style="text-align: right;">Page 185</p> <p>1 comparison of Nelsen Exhibit 4 with the separate<br/> 2 report that was created after the November<br/> 3 meeting that included these additional<br/> 4 categories of costs that were identified at that<br/> 5 meeting?<br/> 6 A. Correct.<br/> 7 Q. And you say that in that second<br/> 8 comparison, your numbers were roughly the same,<br/> 9 although your numbers were a little bit higher<br/> 10 for sheriff and sheriff jail?<br/> 11 A. Yes.<br/> 12 Q. Other than that comparison, have you<br/> 13 learned anything at all about how this Nelsen<br/> 14 30(b)(6) Exhibit 4 was created?<br/> 15 A. No.<br/> 16 Q. Or how the numbers were arrived at?<br/> 17 A. All I know is I supplied numbers and<br/> 18 identified cost pools to study and then did my<br/> 19 own analysis on those same cost pools; and they,<br/> 20 through their methodology, came up with this,<br/> 21 and under a separate methodology I came up with<br/> 22 an analysis, and those numbers are pretty<br/> 23 similar.<br/> 24 Q. Then turning your attention to<br/> 25 Nelsen 30(b)(6) Exhibit 3, would you turn to</p> |



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1 page 6? At the bottom of page 6 it says,  
 2 "Plaintiff also seeks the following past and  
 3 ongoing lost tax revenue in the amount of  
 4 approximately 734 million dollars."  
 5 Do you see that?  
 6 A. I do.  
 7 Q. And I asked you about how that  
 8 number was arrived at in your deposition in  
 9 December and you said you didn't know?  
 10 A. That's correct.  
 11 Q. Do you know anything more about how  
 12 this figure was arrived at today than you knew  
 13 back in December?  
 14 A. I do not. Again, that was compiled  
 15 by these economists and experts. As I indicated  
 16 back in December, I have looked at other  
 17 economic indicators from outside economists and  
 18 experts that -- I think as I mentioned in  
 19 December there's a study I looked at that  
 20 indicated there was a .8 percent drag on GDP in  
 21 Ohio, and that if I wanted to sit down, I could  
 22 probably come up with a methodology, but that  
 23 was not an exercise I had undertaken on the  
 24 overall economic impact to Summit County.  
 25 Q. So for this 734 million dollar

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1 figure, do you know how much is past tax  
 2 revenue?  
 3 A. Other than the 734 million dollar  
 4 figure, I've been provided no information beyond  
 5 that total dollar amount.  
 6 Q. So how much of that is past lost tax  
 7 revenue?  
 8 MR. PENDELL: Objection to form.  
 9 A. Hasn't been provided to me.  
 10 Q. How much of that is ongoing lost tax  
 11 revenue?  
 12 MR. PENDELL: Objection to form.  
 13 A. Hasn't been provided to me.  
 14 Q. What types of lost tax revenue are  
 15 included in this figure?  
 16 A. Hasn't been provided to me.  
 17 Q. And how was this 734 million dollar  
 18 figure calculated?  
 19 MR. PENDELL: Objection to form.  
 20 A. Hasn't been provided to me.  
 21 Q. Are you saying it hasn't been  
 22 provided to the county, to anyone in the county?  
 23 A. I would assume if I haven't gotten  
 24 it, nobody else has either.  
 25 Q. Okay. Then going -- so you can't

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1 tell me anything about the 734 million dollar  
 2 figure --  
 3 MR. PENDELL: Objection to form.  
 4 Q. -- correct?  
 5 A. That is correct.  
 6 Q. And then going back to the chart  
 7 that is Nelsen 30(b)(6) Exhibit 4 --  
 8 A. Yes.  
 9 Q. -- are you able to connect any of  
 10 these damages figures to the conduct of any  
 11 particular defendant?  
 12 MR. PENDELL: Objection to form.  
 13 A. Individually?  
 14 Q. Yes. Can you connect any of the  
 15 damages figures to any particular defendant or  
 16 the conduct of any particular defendant?  
 17 MR. PENDELL: Objection to form and  
 18 scope.  
 19 A. No. We have not gone to that level  
 20 of analysis.  
 21 Q. When you say "we," you mean you and  
 22 the experts?  
 23 A. Well, I can't speak for the experts.  
 24 I have not.  
 25 Q. Okay. Well, we are looking at the

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1 chart that you say was prepared by the experts.  
 2 A. That's correct.  
 3 Q. Are you able to connect any of the  
 4 figures in that chart to any particular  
 5 defendant?  
 6 MR. PENDELL: Objection to form.  
 7 A. I cannot from looking at the chart.  
 8 Q. Can you connect any of those figures  
 9 in the chart to the particular conduct of any  
 10 particular defendant?  
 11 MR. PENDELL: Objection to form.  
 12 A. I cannot, looking at the chart.  
 13 Q. Then going back to the reports that  
 14 you have prepared and that you compared with  
 15 this chart, for either of those can you connect  
 16 any of the damages figures to any particular  
 17 defendant?  
 18 MR. PENDELL: Objection to form.  
 19 A. Repeat that question.  
 20 Q. It's the same question I asked you  
 21 about this chart. Now I'm asking about the two  
 22 cost analyses that you said you prepared.  
 23 A. Oh, that I did. Yeah. No. No, we  
 24 did not.  
 25 Q. Can you connect any of the damages

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| <p style="text-align: right;">Page 190</p> <p>1 figures in either of those analyses to any<br/>2 particular defendant?<br/>3 MR. PENDELL: Objection.<br/>4 A. We cannot, nor was it an objective<br/>5 of that analysis.<br/>6 Q. And can you connect any particular<br/>7 damages figures in either of your analyses to<br/>8 particular conduct of a particular defendant?<br/>9 MR. PENDELL: Objection to form.<br/>10 A. We cannot, nor was it an objective.<br/>11 I would like to -- I would like to<br/>12 add one thing, and I know this -- I know this<br/>13 does not bear on an explanation of how the 734<br/>14 million dollars was calculated, but I do want to<br/>15 say that Summit County, based on our current tax<br/>16 structure, collects about 200 million dollars a<br/>17 year in county property tax and sales tax, so<br/>18 arriving at a figure that big over a multi-year<br/>19 look-back, look-forward period, I don't find<br/>20 that number to be terribly shocking to me as I<br/>21 look at it, but again, I don't have any detail<br/>22 as to how it was actually calculated.<br/>23 Q. So you testified earlier that the<br/>24 first time you became aware that Summit County<br/>25 was spending money because of the opioid problem</p> | <p style="text-align: right;">Page 192</p> <p>1 think, yeah, we had costs back in 2006 related<br/>2 to this.<br/>3 Q. So you found out that the marketing<br/>4 practices go all the way back to the '90s and<br/>5 that that caused these opioid expenses?<br/>6 A. That's my understanding.<br/>7 Q. Okay. And how did you find out that<br/>8 these marketing practices caused these opioid<br/>9 expenses?<br/>10 A. Through conversations -- through<br/>11 news media reports, conversations with<br/>12 attorneys, conversations with people over at the<br/>13 ADM Board. In this 2017, 2016 time frame was<br/>14 when -- and everything blew up, I became, at<br/>15 least on my end, aware of this issue.<br/>16 Q. So this is -- this chart, although<br/>17 it was prepared by Summit County's lawyers'<br/>18 experts, this chart is Summit County's position.<br/>19 You understand that?<br/>20 A. I understand that.<br/>21 Q. And so Summit County's position is<br/>22 that it spent 6.8 million dollars in 2006<br/>23 because of the opioid problem?<br/>24 A. Yes.<br/>25 Q. And another 7.2 million dollars in</p> |
| <p style="text-align: right;">Page 191</p> <p>1 was the end of 2013 or early 2014. Did I get<br/>2 that right?<br/>3 A. Yes.<br/>4 Q. Okay. So looking at the chart,<br/>5 Nelsen Exhibit 30(b)(6), Exhibit 4, do you see<br/>6 the line "Department-Related Costs Past"?<br/>7 A. Yes.<br/>8 Q. So is it your testimony that Summit<br/>9 County incurred 6.8 million dollars in costs in<br/>10 2006 because of the opioid problem?<br/>11 MR. PENDELL: Objection to form.<br/>12 A. So my -- my analysis did not go back<br/>13 to 2006, but there is -- I -- my analysis<br/>14 strictly focused on that period where everything<br/>15 skyrocketed. When I go back and look at data,<br/>16 like the Ohio Hospital Association provides, the<br/>17 Department of Health provides, and then, again,<br/>18 based on news reports and everything else I've<br/>19 read, there's always been an underlying level of<br/>20 opiate costs built into our issue. And so what<br/>21 -- I guess when we later go on to find out that<br/>22 the marketing practices that date all the way<br/>23 back to the '90s of the firms -- the Defendants<br/>24 in this case have contributed to this, I don't<br/>25 look at this chart and find it unreasonable to</p>                     | <p style="text-align: right;">Page 193</p> <p>1 2007 because of the opioid problem?<br/>2 A. Yep.<br/>3 Q. And another 8.3 million dollars in<br/>4 2008 because of the opioid problem?<br/>5 A. Yes.<br/>6 Q. And another 11.8 million dollars in<br/>7 2009 because of the opioid problem?<br/>8 A. Yes.<br/>9 Q. And another 12.3 million dollars in<br/>10 2010 because of the opioid problem?<br/>11 A. Yes.<br/>12 Q. Another 12.3 million dollars in 2011<br/>13 because of the opioid problem?<br/>14 A. Yes.<br/>15 Q. Another 13.7 million dollars in 2012<br/>16 because of the opioid problem?<br/>17 A. Yes.<br/>18 Q. And another 17 million dollars in<br/>19 2013 because of the opioid problem?<br/>20 A. Yes.<br/>21 Q. All unbeknownst to Summit County?<br/>22 MR. PENDELL: Objection to form.<br/>23 A. So when I go back, such as last<br/>24 night, and look at the statistics from the Ohio<br/>25 Hospital Administration -- or Ohio Hospital</p>   |

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| <p style="text-align: right;">Page 194</p> <p>1 Association on overdose deaths in Summit County<br/>2 and see that our -- or overdoses in Summit<br/>3 County and see that number, there's a baseline<br/>4 number back in 2008 on that report, and I see it<br/>5 slowly growing across the board and then<br/>6 skyrocketing as we get into that 2014, '15<br/>7 period, and I sit here and look at these numbers<br/>8 and then see them take off when we get into that<br/>9 same period, those numbers to me correlate with<br/>10 each other that there has always been an issue<br/>11 with overdoses and an issue with opiates, and<br/>12 that those numbers just took off when we got<br/>13 into the 2014, roughly, time frame.<br/>14 Q. Well, Summit County has taken the<br/>15 position that it spent 6.8 million dollars in<br/>16 2006 because of the opioid problem.<br/>17 A. Yes.<br/>18 Q. Did Summit County know that it was<br/>19 spending 6.8 million dollars because of the<br/>20 opioid problem that year?<br/>21 MR. PENDELL: Objection to form.<br/>22 A. In 2006?<br/>23 Q. Yes.<br/>24 A. I don't think so. I'm sure I did<br/>25 not know that.</p> | <p style="text-align: right;">Page 196</p> <p>1 A. Yes.<br/>2 Q. Another 13.7 in 2012 unbeknownst to<br/>3 you and your office?<br/>4 A. Yes.<br/>5 Q. 17 million in 2013 unbeknownst to<br/>6 you and your office?<br/>7 A. So now we get to the period where we<br/>8 start looking around and saying, what is going<br/>9 on here, why are overdoses increasing, why are<br/>10 these departments -- why is the jail filling up<br/>11 and departments are struggling. So it then<br/>12 begins to start like jumping off the page at us.<br/>13 Q. In 2013?<br/>14 A. Begins to, but we still didn't have<br/>15 an answer. I didn't have an answer for it.<br/>16 Q. So what steps do you take in 2013<br/>17 when these figures are skyrocketing and it's<br/>18 jumping off the page?<br/>19 MR. PENDELL: Objection to form.<br/>20 A. 2013 was also the year our indigent<br/>21 defense costs started going up, so we started<br/>22 analyzing indigent defense costs. The ADM Board<br/>23 forms the -- at some point in this period forms<br/>24 the opiate task force. There were things that<br/>25 were independently going on that -- that -- and</p>           |
| <p style="text-align: right;">Page 195</p> <p>1 Q. And how about the 7.2 million<br/>2 dollars in 2007?<br/>3 MR. PENDELL: Objection to form.<br/>4 A. No.<br/>5 Q. Didn't know about it?<br/>6 A. Here's the thing. We spent money on<br/>7 cocaine in 2006. It was built into the numbers.<br/>8 It wasn't -- until it started skyrocketing and<br/>9 kind of smacked us in the face in the last few<br/>10 years, no, we weren't aware of it. Part of<br/>11 that, half -- 6.8 million in a half billion<br/>12 dollar budget spread out amongst multiple<br/>13 departments doesn't strike me as anything<br/>14 extreme.<br/>15 Q. And another 8.3 million in 2008<br/>16 unbeknownst to --<br/>17 A. Yes. Continues to slowly grow.<br/>18 Q. And another 11.8 million in 2009<br/>19 unbeknownst to you and your office?<br/>20 A. Yes.<br/>21 Q. And another 12.3 million in 2010<br/>22 unbeknownst to you and your office?<br/>23 A. Yes.<br/>24 Q. Another 12.3 in 2011 unbeknownst to<br/>25 you and your office?</p>  | <p style="text-align: right;">Page 197</p> <p>1 it's kind of siloed at this point where we're<br/>2 all looking at different things, saying, what's<br/>3 going on here.<br/>4 Q. So what steps did you take in 2013<br/>5 to understand why Summit County was spending<br/>6 millions and millions and millions of dollars<br/>7 because of the opioid problem going back to<br/>8 2006?<br/>9 MR. PENDELL: Objection to form.<br/>10 A. Going back to 2006, I don't know<br/>11 that I realized in 2013 that this problem went<br/>12 back to 2006.<br/>13 Q. What investigation did the county do<br/>14 in 2013 when it sees these numbers?<br/>15 MR. PENDELL: Objection to form.<br/>16 A. We started looking at the increased<br/>17 costs that were occurring in 2013 to try to<br/>18 figure out what was going on with them.<br/>19 Q. So what did you and your office do<br/>20 to try to figure out the increased costs and why<br/>21 they were being incurred?<br/>22 A. We started analyzing them, we<br/>23 started having meetings with departments, and we<br/>24 started talking about what the issue is.<br/>25 Q. And what steps did you take besides</p> |

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| <p style="text-align: right;">Page 198</p> <p>1 talking about it to figure out that the county<br/>2 was incurring millions of dollars each year<br/>3 because of this opioid problem?<br/>4 MR. PENDELL: Objection to form.<br/>5 A. Well, I think when you look at<br/>6 particular, like ADM and public health, they<br/>7 were already taking steps on -- and public<br/>8 safety throughout Summit County were already<br/>9 taking steps with this opiate task force and<br/>10 some of these things. At my level, we were just<br/>11 more in the analyzing data. And for me it was<br/>12 really the indigent defense costs that first<br/>13 cropped up. We were already dealing with the<br/>14 jail issue at that time and we were coming off<br/>15 the recession and state budget cuts, so our<br/>16 ability to react to this was somewhat limited.<br/>17 The other fortunate thing we had<br/>18 going on was Medicaid expansion at the time,<br/>19 which was allowing ADM to live within their<br/>20 budgetary means and -- within their revenue<br/>21 streams to begin dealing with this. It really<br/>22 was not -- and I think the other thing at the<br/>23 time was, well, is this going to go away, is<br/>24 this just a blip in the radar. I mean, there<br/>25 was just a lot of trying to understand what was</p> | <p style="text-align: right;">Page 200</p> <p>1 MR. PENDELL: Objection to form and<br/>2 scope.<br/>3 A. You know, I don't know that I'm<br/>4 the -- the complete expert on this, but I go<br/>5 back to the story I talked about on 60 Minutes<br/>6 relating to Kermit, West Virginia, and the 11<br/>7 million pills being dispensed for a town of 400<br/>8 people. I think we all became more aware of the<br/>9 types of marketing and lack of -- marketing<br/>10 processes and lack of monitoring how and where<br/>11 these pills were being dispensed along the<br/>12 course of that time. And I'm not going to say<br/>13 that other people didn't -- weren't aware of<br/>14 that before I was. I'm the finance guy. I<br/>15 mean, they come to me when it comes to dollars<br/>16 and cents. I'm not necessarily on the forefront<br/>17 of all of those issues.<br/>18 Q. You are the finance guy, and so when<br/>19 Summit County -- as you say, it realizes in 2013<br/>20 that these costs are skyrocketing because of the<br/>21 opioid problem and has been spending 75 million<br/>22 dollars over the last seven years because of the<br/>23 opioid problem, what did you do to figure out<br/>24 why and to identify the causes and figure out<br/>25 who's responsible?</p> |
| <p style="text-align: right;">Page 199</p> <p>1 going on and whether there were truly long-term<br/>2 impacts with this at the time.<br/>3 Q. At what point did Summit County<br/>4 conclude that it was the fault of the Defendants<br/>5 in this case that Summit County was spending all<br/>6 this money because of the opioid problem?<br/>7 MR. PENDELL: Objection to form and<br/>8 scope.<br/>9 A. I don't know that I can answer that<br/>10 because I think the reality is there were<br/>11 probably -- depending on who you ask and what<br/>12 part of the county, there would probably be<br/>13 different answers.<br/>14 Q. But the conclusion was made in 2016<br/>15 or 2017 to go after the Defendants in this case<br/>16 for all these expenses?<br/>17 MR. PENDELL: Objection to form and<br/>18 scope.<br/>19 A. I was not brought into the fold of<br/>20 that conversation until 2017. I can't speak for<br/>21 what anybody else thought or any other<br/>22 conversations they had.<br/>23 Q. So what did the county learn in 2017<br/>24 to -- as the basis to file this lawsuit against<br/>25 the Defendants to recover all these costs?</p>   | <p style="text-align: right;">Page 201</p> <p>1 MR. PENDELL: Objection to form and<br/>2 scope.<br/>3 A. So in 2013 I can tell you that I did<br/>4 not know we spent 75 million dollars dating back<br/>5 to 2006 on this issue. This analysis that goes<br/>6 back to 2006 that analyzes how much of our costs<br/>7 in 2006 were on this issue I just saw this past<br/>8 year. What I can tell you is when I start<br/>9 seeing costs take off, which they were, we began<br/>10 asking questions.<br/>11 Q. In 2013?<br/>12 A. In 2013. I didn't have answers in<br/>13 2013. This continued into 2014 and 2015. It<br/>14 was really 2015 where everything kind of blew up<br/>15 with the overdoses, having to call the state to<br/>16 send up a mobile hospital because we couldn't<br/>17 handle the number of people showing up at the<br/>18 morgue. You start seeing the news reports of<br/>19 parents. I remember seeing the picture on the<br/>20 Beacon Journal of parents both passed out in a<br/>21 vehicle with a needle in their arms while their<br/>22 kids were found at -- their little children were<br/>23 found at home unattended. That's when we became<br/>24 aware of all this.<br/>25 Q. Starting in 2013, when you say this</p>                                     |



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| <p style="text-align: right;">Page 202</p> <p>1 came to your attention and you didn't have<br/>2 answers, what did you or Summit County do<br/>3 between 2013 and 2017 to get answers?<br/>4 MR. PENDELL: Objection to form and<br/>5 scope.<br/>6 A. I think I just outlined that. We<br/>7 just started talking to -- just because we<br/>8 waited until 2017 to file the suit doesn't mean<br/>9 we were not actively trying to -- the opiate<br/>10 task force, the DAWN clinics, all of the things<br/>11 that were going on to try to mitigate this. We<br/>12 were kind of busy on the front lines of trying<br/>13 to deal with this.<br/>14 Q. And so what is it in 2017 that<br/>15 caused Summit County to say now we will<br/>16 attribute fault to the Defendants in this case?<br/>17 MR. PENDELL: Objection to form and<br/>18 scope.<br/>19 A. I can't answer on why we finally<br/>20 reached the point of enough is enough, we need<br/>21 to do something to mitigate this problem.<br/>22 MR. KEYES: Okay. Why don't we take<br/>23 a ten-minute break.<br/>24 THE VIDEOGRAPHER: Off the record,<br/>25 1:48.</p> | <p style="text-align: right;">Page 204</p> <p>1 look at the growth in drug possession cases<br/>2 versus the growth in total caseloads, and then<br/>3 apply that as a statistical measurement in the<br/>4 years 2013 to 2016 to carve out costs<br/>5 attributable to drug possession cases, and then<br/>6 used the growth factor in that cost as the cost<br/>7 to apply it to the analysis we did on cost being<br/>8 spent on the opioid issue.<br/>9 Q. Would you turn your attention to<br/>10 Nelsen 30(b)(6) Exhibit 4, the chart?<br/>11 A. Yeah.<br/>12 Q. There's a line on the chart for<br/>13 "Department-Related Costs Ongoing."<br/>14 Do you see that?<br/>15 A. Yes.<br/>16 Q. And that projects out costs from<br/>17 2018 to 2027?<br/>18 A. Yes.<br/>19 Q. How were the numbers arrived at for<br/>20 each of those years on this chart?<br/>21 MR. PENDELL: Objection to form.<br/>22 A. Yeah. So those costs on that line<br/>23 were put together by the economists and the<br/>24 experts who calculated damages. I do not have<br/>25 the basis for that, though I -- though I believe</p>                               |
| <p style="text-align: right;">Page 203</p> <p>1 (Recess had.)<br/>2 THE VIDEOGRAPHER: On the record,<br/>3 2:16.<br/>4 BY MR. KEYES:<br/>5 Q. Mr. Nelsen, earlier you testified<br/>6 that the number of cases prosecuted increased<br/>7 between 2013 and 2016?<br/>8 A. Correct.<br/>9 Q. What is that based on?<br/>10 A. Statistics filed -- or provided to<br/>11 me by the prosecutor's office on the number of,<br/>12 I believe, cases filed.<br/>13 Q. And who in the prosecutor's office<br/>14 gave that to you?<br/>15 A. I believe it was either Brad Gessner<br/>16 or John Galonski.<br/>17 Q. And where did either of them pull<br/>18 the data from?<br/>19 MR. PENDELL: Objection to form.<br/>20 A. I did not ask.<br/>21 Q. And what did you do with the<br/>22 statistics that they provided?<br/>23 A. We used that as a basis -- one of<br/>24 the bases to look at public safety-related<br/>25 departments, like the prosecutor's office, to</p>   | <p style="text-align: right;">Page 205</p> <p>1 it is -- and the other thing I would say, when I<br/>2 look at those costs and I compare that to the<br/>3 projections provided by the Ohio Hospital<br/>4 Association report, their projections on<br/>5 increases in overdose caseloads; that, based on<br/>6 that comparison, those numbers to me don't look<br/>7 unrealistic, but I don't have the statistical<br/>8 method with which they calculated that. That<br/>9 was not supplied to me.<br/>10 Q. So do you know how any of those<br/>11 numbers were arrived at?<br/>12 A. I do not.<br/>13 Q. And do you know what specific costs<br/>14 were included in each of those numbers?<br/>15 A. My belief from looking at this is<br/>16 it's a forward-looking projection at all of the<br/>17 costs identified above as they would continue as<br/>18 the number of overdoses continue to grow in the<br/>19 county, and convictions and everything else that<br/>20 has spiked.<br/>21 Q. In the analyses that you say you've<br/>22 prepared --<br/>23 A. Yes.<br/>24 Q. -- separate from what the experts<br/>25 have prepared --</p> |



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| <p style="text-align: right;">Page 206</p> <p>1 A. Yes.</p> <p>2 Q. -- have you undertaken any</p> <p>3 projections of costs to be incurred by Summit</p> <p>4 County in the future because of the opioid</p> <p>5 problem?</p> <p>6 A. My analysis was strictly the 2013 to</p> <p>7 2016 time frame.</p> <p>8 Q. How does the total head count for</p> <p>9 the Summit County government in 2018 compare to</p> <p>10 2015; higher or lower?</p> <p>11 A. Total, it would be lower.</p> <p>12 Q. Lower in 2018?</p> <p>13 A. Yes.</p> <p>14 Q. And how does the total head count</p> <p>15 for the Summit County government in 2015 compare</p> <p>16 with 2012?</p> <p>17 A. 2012 would have been higher</p> <p>18 countywide.</p> <p>19 Q. And how does the head count between</p> <p>20 2012 and 2009 compare?</p> <p>21 A. 2009 would have been higher. If you</p> <p>22 recall, in my first deposition I explained that</p> <p>23 in 2009, when the Great Recession hit Summit</p> <p>24 County, along with all of the local governments,</p> <p>25 the revenues available to Summit County, which</p>  | <p style="text-align: right;">Page 208</p> <p>1 A. Yes.</p> <p>2 Q. So by how much has the total head</p> <p>3 count for the Summit County government decreased</p> <p>4 from 2009 through 2018?</p> <p>5 A. I can tell you from 2008 to 2018 it</p> <p>6 has decreased, roughly, 900 employees</p> <p>7 countywide.</p> <p>8 Q. In the two cost analyses that you</p> <p>9 said you did, did you break out any of the cost</p> <p>10 categories according to the source of revenue</p> <p>11 that covered the cost?</p> <p>12 A. I did -- well, all of the -- kind of</p> <p>13 yes. I mean, I know what the source revenue is</p> <p>14 for all of these. I strictly looked at the cost</p> <p>15 side, but I know what the revenue source is for</p> <p>16 all of these.</p> <p>17 Q. Well, you know it, but does the</p> <p>18 analysis that you put together --</p> <p>19 A. Indicate which one?</p> <p>20 Q. -- indicate what the source of</p> <p>21 revenue is for each cost category?</p> <p>22 A. The analysis itself does not, no.</p> <p>23 Q. So it's purely focused on the cost</p> <p>24 side?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 207</p> <p>1 were primarily sales tax, property conveyance</p> <p>2 taxes, property taxes, even the levy revenues</p> <p>3 for like CSB, ADM, DD, all of these agencies --</p> <p>4 everything began to drop considerably and the</p> <p>5 county began reducing workforce to live within</p> <p>6 those constrained means. Then you fast forward</p> <p>7 to 2012. We have a governor in office in Ohio</p> <p>8 who starts balancing the state budget by cutting</p> <p>9 funding to local governments, and that has</p> <p>10 continued all the way through 2017, 2018, and so</p> <p>11 we have -- while we've increased like the levy</p> <p>12 for CSB, had increased the levy for ADM in 2007,</p> <p>13 part of the overall global picture in Summit</p> <p>14 County is that we're having to address this by</p> <p>15 reallocating resources and deferring capital and</p> <p>16 other needs of the county to address this issue.</p> <p>17 Q. So if I understand you correctly,</p> <p>18 the total head count for the Summit County</p> <p>19 government is lower in 2018 than it was in 2015?</p> <p>20 A. That's correct.</p> <p>21 Q. And it was lower in 2015 than it was</p> <p>22 in 2012?</p> <p>23 A. Yes.</p> <p>24 Q. And it was lower in 2012 than it was</p> <p>25 in 2009?</p> | <p style="text-align: right;">Page 209</p> <p>1 Q. It does not look at or take into</p> <p>2 consideration the source of revenue for the</p> <p>3 costs?</p> <p>4 A. That's correct.</p> <p>5 Q. In the cost analyses that you put</p> <p>6 together, those are your effort to quantify the</p> <p>7 costs incurred by different parts of the Summit</p> <p>8 County government because of the opioid problem,</p> <p>9 correct?</p> <p>10 MR. PENDELL: Objection to form.</p> <p>11 A. Correct.</p> <p>12 Q. Does your analysis separate out</p> <p>13 costs incurred because of people's use, abuse or</p> <p>14 addiction to prescription opioids versus illicit</p> <p>15 opioids?</p> <p>16 MR. PENDELL: Objection to form.</p> <p>17 A. My analysis does not make that</p> <p>18 distinction.</p> <p>19 Q. Does your analysis separate out</p> <p>20 costs incurred because of people's overdoses to</p> <p>21 prescription opioids versus illicit opioids?</p> <p>22 MR. PENDELL: Objection to form.</p> <p>23 A. My analysis does not make that</p> <p>24 distinction.</p> <p>25 Q. Does your analysis separate out</p>     |

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| <p style="text-align: right;">Page 210</p> <p>1 costs incurred because of overdoses resulting</p> <p>2 from the use of prescription opioids rather than</p> <p>3 illicit opioids?</p> <p>4 A. My analysis does not make that</p> <p>5 distinction.</p> <p>6 Q. Does your analysis separate out</p> <p>7 treatment costs for people who have an opioid</p> <p>8 use disorder arising from their use of</p> <p>9 prescription opioids versus their use of illicit</p> <p>10 opioids?</p> <p>11 MR. PENDELL: Objection to form.</p> <p>12 A. My analysis does not make that</p> <p>13 distinction.</p> <p>14 Q. Does your analysis separate out the</p> <p>15 costs incurred by Summit County because people</p> <p>16 are in the criminal justice system because of</p> <p>17 their use of prescription opioids versus their</p> <p>18 use of illicit opioids?</p> <p>19 A. My analysis does not make that</p> <p>20 distinction.</p> <p>21 Q. And does your analysis separate out</p> <p>22 personnel costs incurred by Summit County</p> <p>23 because they are dealing with people who use</p> <p>24 prescription opioids versus use illicit opioids?</p> <p>25 A. My analysis does --</p>            | <p style="text-align: right;">Page 212</p> <p>1 that Summit County has received grants</p> <p>2 throughout the years that are specifically for</p> <p>3 the opiate crisis; is that right?</p> <p>4 A. Some dollars, yes.</p> <p>5 Q. The analysis that you did leading up</p> <p>6 to that November meeting and then coming out of</p> <p>7 that November meeting, did it make any effort to</p> <p>8 tease out which costs were paid from those grant</p> <p>9 funds?</p> <p>10 A. Yes.</p> <p>11 MR. ARNOLD: Objection to form.</p> <p>12 A. Yes. We -- we focused on county</p> <p>13 general fund dollars, and with the levy</p> <p>14 agencies, and I'll use ADM as the example,</p> <p>15 because we focused on just ADM levy dollars, not</p> <p>16 any matching federal or state dollars and not</p> <p>17 any of the cases that they managed that were</p> <p>18 billed back to Medicaid and not billed to the</p> <p>19 county. So the analysis we did was just local</p> <p>20 county dollars.</p> <p>21 Q. Okay.</p> <p>22 A. And we didn't use like drug -- I</p> <p>23 know we have a drug court grant that we get. We</p> <p>24 didn't use those dollars in that analysis, nor</p> <p>25 for -- we talked earlier about the eight</p>  |
| <p style="text-align: right;">Page 211</p> <p>1 MR. PENDELL: Object to form.</p> <p>2 A. -- not make that distinction.</p> <p>3 Q. And, to your knowledge, does the</p> <p>4 chart that is Nelsen 30(b)(6) Exhibit Number 4</p> <p>5 draw any of those distinctions?</p> <p>6 MR. PENDELL: Objection to form.</p> <p>7 A. I don't have enough information</p> <p>8 about how this was compiled to tell you.</p> <p>9 Q. You can't say one way or the other?</p> <p>10 A. That's correct.</p> <p>11 MR. KEYES: I will pass the witness.</p> <p>12 EXAMINATION OF BRIAN NELSEN</p> <p>13 BY MS. RANJAN:</p> <p>14 Q. Mr. Nelsen, my name is Brandy</p> <p>15 Ranjan. I represent Walmart here today. I have</p> <p>16 a few additional questions for you. It should</p> <p>17 be brief. I'm going to jump around a little bit</p> <p>18 just because a lot of the things have been hit</p> <p>19 already so I apologize if it seems a little</p> <p>20 disjointed. Just let me know if you're not --</p> <p>21 you know, if you're not understanding my</p> <p>22 question.</p> <p>23 A. Sure.</p> <p>24 Q. So you spoke briefly about the</p> <p>25 sources of funding for Summit County. It's true</p> | <p style="text-align: right;">Page 213</p> <p>1 additional adult probation officers. We did not</p> <p>2 include the funding -- that TCAP funding from</p> <p>3 the state that paid for those eight probation</p> <p>4 officers as part of this analysis either.</p> <p>5 Q. So when we look at your final</p> <p>6 analysis coming out of that November meeting, it</p> <p>7 would not include any of those grant dollars</p> <p>8 that you received from federal or state funds?</p> <p>9 A. That's correct. Our initial</p> <p>10 analysis last -- in '17 and then this latest</p> <p>11 analysis that we've done does not include those</p> <p>12 dollars. It's also one of the reasons, like,</p> <p>13 you don't see Job and Family Services and all of</p> <p>14 the client services they provide to people who</p> <p>15 might be affected. None of that has been</p> <p>16 included in this as well.</p> <p>17 Q. And when you say "this," I see you</p> <p>18 motioning to the document in front of you.</p> <p>19 A. This document -- well, I don't</p> <p>20 know -- JFS is not listed on this document.</p> <p>21 They're certainly not included in the analysis I</p> <p>22 did, and the analysis I did that I've compared</p> <p>23 to this document leads me to believe that they</p> <p>24 have not as well, but again, I haven't been</p> <p>25 given the level of detail that makes this up to</p> |

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| <p style="text-align: right;">Page 214</p> <p>1 say for certain.</p> <p>2 Q. Changing gears, we talked earlier</p> <p>3 about the lab fund for the medical examiner's</p> <p>4 office. Are you aware of what proportion of the</p> <p>5 dollars in spend from that lab fund are used to</p> <p>6 pay for sending toxicology samples to reference</p> <p>7 laboratories?</p> <p>8 A. Not -- that lab fund has about three</p> <p>9 to four -- probably about \$400,000 a year in</p> <p>10 spending. I don't have the breakdown on how</p> <p>11 much of that would be specifically for those</p> <p>12 toxicology tests.</p> <p>13 Q. So help me understand. This</p> <p>14 analysis that you put together, that you then</p> <p>15 discussed at the November meeting, was the goal</p> <p>16 of that analysis to estimate all of the costs of</p> <p>17 the opioid crisis to Summit County?</p> <p>18 MR. PENDELL: Objection to form.</p> <p>19 A. It was to, as -- it was essentially</p> <p>20 -- and I can't say all. What I can say is we</p> <p>21 knew there were certain things that we could dig</p> <p>22 a little deeper to try to identify costs, and it</p> <p>23 was to make sure that we had truly looked into</p> <p>24 identifying cases and digging to the point where</p> <p>25 we felt comfortable that the costs we identified</p> | <p style="text-align: right;">Page 216</p> <p>1 complaint document?</p> <p>2 Q. No. So this is Summit County's</p> <p>3 interrogatory responses to some interrogatories</p> <p>4 that were posed by the retail pharmacy</p> <p>5 Defendants.</p> <p>6 A. Okay.</p> <p>7 Q. With that explanation, do you know</p> <p>8 if you've seen this document prior to today?</p> <p>9 A. I do not believe I've seen this</p> <p>10 entire document, no. Yeah. No, I haven't.</p> <p>11 Q. Okay. Do you know if you provided</p> <p>12 any information that was used to compile this</p> <p>13 document?</p> <p>14 A. Well --</p> <p>15 Q. And I'll tell you I'm specifically</p> <p>16 going to be asking you today about interrogatory</p> <p>17 number 20, which starts on page 87.</p> <p>18 A. 87?</p> <p>19 Q. Yes.</p> <p>20 A. Okay.</p> <p>21 Q. So you'll see interrogatory number</p> <p>22 20 asks, "Provide a computation of each category</p> <p>23 of damages, monetary sums, and injunctive relief</p> <p>24 that you seek from each National Retail Pharmacy</p> <p>25 Defendant."</p>  |
| <p style="text-align: right;">Page 215</p> <p>1 were truly costs associated with this and that</p> <p>2 we could back up. So it was to, as reasonably</p> <p>3 as we could, pinpoint costs associated to the</p> <p>4 opioid epidemic.</p> <p>5 I can tell you for certain I don't</p> <p>6 know that we could ever identify every cost</p> <p>7 associated with it. Like at the county jail,</p> <p>8 you dig -- you'd have to dig down into every</p> <p>9 court record, and even then, you still may not</p> <p>10 have enough information, like my example earlier</p> <p>11 about domestic violence.</p> <p>12 - - - - -</p> <p>13 (Thereupon, Nelsen 30(b)(6)</p> <p>14 Deposition Exhibit 5, Summit County</p> <p>15 and City of Akron, Ohio Plaintiffs'</p> <p>16 First Amended Responses and</p> <p>17 Objections to the National Retail</p> <p>18 Pharmacy Defendants' First Set of</p> <p>19 Interrogatories, was marked for</p> <p>20 purposes of identification.)</p> <p>21 - - - - -</p> <p>22 Q. I'm handing you what's been marked</p> <p>23 as Nelsen 30(b)(6) Exhibit 5. Do you recognize</p> <p>24 this document?</p> <p>25 A. It looks like -- is this the</p>  | <p style="text-align: right;">Page 217</p> <p>1 Do you see that?</p> <p>2 A. I see that, yes.</p> <p>3 Q. If you look on the next page,</p> <p>4 there's a bullet point list of categories of</p> <p>5 damages.</p> <p>6 A. Um-hum.</p> <p>7 MR. PENDELL: Yes?</p> <p>8 THE WITNESS: Yes.</p> <p>9 Q. Do you know if you provided any</p> <p>10 information that was used to draft this</p> <p>11 interrogatory?</p> <p>12 MR. PENDELL: Objection to form.</p> <p>13 A. So I would assume by that you mean</p> <p>14 this response (indicating)?</p> <p>15 Q. No. I mean what's listed on page 88</p> <p>16 through 89, that bullet point list. Did you</p> <p>17 have any role in helping to draft that bullet</p> <p>18 point list?</p> <p>19 A. I guess the answer to that is not</p> <p>20 directly, but maybe indirectly.</p> <p>21 Q. You're not sure if the information</p> <p>22 you provided was used here or not?</p> <p>23 A. Well, I think -- I think the reality</p> <p>24 is the cost analysis that we did, identifying</p> <p>25 departments and areas of service that were</p> |


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| <p style="text-align: right;">Page 218</p> <p>1 affected, was probably used to compile this<br/>2 list, but I did not type out this list or have<br/>3 any comment on this list.<br/>4 Q. Okay. Let's just use a couple of<br/>5 examples from this list and maybe we can<br/>6 streamline the questioning a little bit.<br/>7 If you look at the second bullet<br/>8 there, "Costs for providing healthcare and<br/>9 medical care for patients suffering from<br/>10 opioid-related addiction or disease, including<br/>11 overdoses and deaths," is that something that<br/>12 you analyzed in connection with your analysis of<br/>13 Summit County's costs in connection with the<br/>14 opioid crisis?<br/>15 A. When we went -- so off the top of my<br/>16 head, there would be -- and I guess the<br/>17 definition of medical care -- so we looked at<br/>18 our own internal employee healthcare pool and<br/>19 went back and reviewed the number of opiate<br/>20 prescriptions in the history of that. My belief<br/>21 is we chose not to claim that as part of these<br/>22 damages. We do have healthcare and medical<br/>23 costs that we pay for at the county jail, which<br/>24 would be inclusive of the numbers on Exhibit 4,<br/>25 as part of the jail expense, though the analysis</p> | <p style="text-align: right;">Page 220</p> <p>1 costs are included in Nelsen Deposition Exhibit<br/>2 4, 30(b)(6) Exhibit 4, or you don't, so is the<br/>3 answer you don't know?<br/>4 MR. PENDELL: Objection to form.<br/>5 A. Yeah. I would have to say I don't<br/>6 know.<br/>7 Q. Okay. And you just described some<br/>8 costs that you think may or may not fall into<br/>9 this category. Based on your understanding of<br/>10 the second bullet point, would those costs have<br/>11 been included in the estimation of costs that<br/>12 you put together leading up to that November<br/>13 meeting and then further analysis coming out of<br/>14 that November meeting?<br/>15 MR. ARNOLD: Objection to form.<br/>16 A. The jail medical cost certainly<br/>17 would have been. The employee healthcare costs<br/>18 would not have been. And as we talked, I think<br/>19 ad nauseam, certainly all of ADM's costs would<br/>20 have been included in that as well.<br/>21 Q. And do you know, sitting here today,<br/>22 what the dollar figure is that you would assign<br/>23 to those categories? The jail healthcare costs<br/>24 I think was one of them.<br/>25 A. Let me think here. Off the top of</p> |
| <p style="text-align: right;">Page 219</p> <p>1 we used to drill down into this, we did not go<br/>2 pull medical records for those inmates to drill<br/>3 down into that.<br/>4 Now, I guess the other thing, I<br/>5 don't know that -- if the -- the alternative,<br/>6 like programming that ADM and Oriana and those<br/>7 agencies provided, would fall under this bullet<br/>8 point, but obviously we've spent more time on<br/>9 that than on the healthcare piece of it.<br/>10 Q. Sure.<br/>11 Sitting here today, can you tell me<br/>12 if the costs that you would include in this<br/>13 second bullet point, the healthcare and medical<br/>14 care for patients suffering from opioid-related<br/>15 addiction or disease, including overdoses and<br/>16 deaths -- are the costs that Summit County is<br/>17 claiming for that, are they included in the<br/>18 numbers that are Nelsen 30(b)(6) Exhibit 4?<br/>19 A. So, again, to make the distinction,<br/>20 I don't know what -- what they included in<br/>21 Exhibit 4.<br/>22 Q. And I think that answers my<br/>23 question.<br/>24 A. Okay.<br/>25 Q. I mean, you either know if those</p>   | <p style="text-align: right;">Page 221</p> <p>1 my head, probably for the jail -- I'm just going<br/>2 to give you a top of my head ballpark, roughly<br/>3 \$180,000 annually.<br/>4 Q. And similar to the other costs that<br/>5 we talked about today, that figure does not<br/>6 tease out which costs are related to illicit<br/>7 drugs versus which costs are related to<br/>8 prescription opioids?<br/>9 A. That is correct.<br/>10 Q. Okay.<br/>11 A. Now -- and I would also make the<br/>12 point that remember earlier when we discussed,<br/>13 on the jail in particular, my cost analysis was<br/>14 higher on the jail than this one, so -- not only<br/>15 in terms of not being able to say what they<br/>16 included and didn't include, that \$180,000<br/>17 figure, based on my numbers, could be higher<br/>18 than what is in here, if it is in here, just<br/>19 based on the pro rata comparison.<br/>20 Q. Moving on to the next bullet point,<br/>21 "Costs of training emergency and/or first<br/>22 responders in the proper treatment of drug<br/>23 overdoses," is that something you looked at in<br/>24 connection with your November analysis and then<br/>25 going forward?</p>            |

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| <p style="text-align: right;">Page 222</p> <p>1 A. Not in -- not specifically. So at<br/> 2 the county -- this is one of those cost items<br/> 3 that's probably more relevant to the -- like the<br/> 4 City of Akron. We don't have fire and EMS<br/> 5 services at the county. EMS would be one of the<br/> 6 big ones on that. Even our sheriff's office is<br/> 7 limited in terms of the number of communities<br/> 8 they provide road patrol in where they might be<br/> 9 a first responder responding to that. I think<br/> 10 in total we have about 70 sheriff deputies out<br/> 11 of the pool of 300 and some, roughly, sheriff<br/> 12 deputies, so -- and in those rotary communities<br/> 13 that pay us for those services, I did not, in my<br/> 14 analysis, include any of the -- any of those<br/> 15 deputies' costs, training costs, or the revenues<br/> 16 that support that back to those communities in<br/> 17 this analysis.<br/> 18 Q. Okay.<br/> 19 A. So I would say that that -- to the<br/> 20 extent any of that's included, it's got to be<br/> 21 fairly nominal.<br/> 22 Q. So the cost to Summit County in this<br/> 23 category would be nominal?<br/> 24 A. Yes.<br/> 25 MS. RANJAN: Can we go off the</p> | <p style="text-align: right;">Page 224</p> <p>1 and/or first responders to opioid overdoses,"<br/> 2 do you have an estimate for the cost to Summit<br/> 3 County in that category?<br/> 4 A. Our costs, or at least in my<br/> 5 analysis that I provided, did not include any<br/> 6 costs for emergency responses to opioid<br/> 7 overdoses.<br/> 8 Q. And sitting here today, do you have<br/> 9 a figure for how much those services, as it<br/> 10 relates to the opioid crisis, have cost Summit<br/> 11 County?<br/> 12 MR. PENDELL: Objection to form.<br/> 13 A. Again, as I mentioned, we only -- we<br/> 14 don't have fire and EMS services at the county.<br/> 15 We --<br/> 16 Q. So this would be more of a city<br/> 17 cost?<br/> 18 A. It really is a city cost, yeah.<br/> 19 Q. Okay.<br/> 20 A. We do have those community patrols,<br/> 21 but those communities pay us for those, and I<br/> 22 did not include those in this -- in my analysis<br/> 23 anyway.<br/> 24 Q. Taking a look at the list overall,<br/> 25 are there any other categories in here that you</p>   |
| <p style="text-align: right;">Page 223</p> <p>1 record for just a second?<br/> 2 THE VIDEOGRAPHER: Off the record at<br/> 3 2:41.<br/> 4 (Recess had.)<br/> 5 THE VIDEOGRAPHER: On the record,<br/> 6 2:42.<br/> 7 BY MS. RANJAN:<br/> 8 Q. Mr. Nelsen, moving on to the next<br/> 9 category, "Costs associated with providing<br/> 10 police officers, firefighters and emergency<br/> 11 and/or first responders with naloxone," do you<br/> 12 have an estimate for how much Summit County<br/> 13 estimates its costs have been related to that<br/> 14 category?<br/> 15 A. Yes. The only naloxone costs that I<br/> 16 found in the research we did on this was through<br/> 17 the ADM Board, and those costs were fairly<br/> 18 nominal, too. I think that number was under --<br/> 19 I'm going to say it was under \$40,000.<br/> 20 Q. And those would be included in the<br/> 21 ADM figures that you've already given us today?<br/> 22 A. Yes.<br/> 23 Q. Moving on to the next category,<br/> 24 "Costs associated with emergency responses by<br/> 25 police officers, firefighters and emergency</p>  | <p style="text-align: right;">Page 225</p> <p>1 would say are more city costs and not county<br/> 2 costs?<br/> 3 A. I'm not aware of any costs that we<br/> 4 would incur on cleanup of public park spaces<br/> 5 and -- well, I guess I should take that back. I<br/> 6 don't know if the -- we did not include costs<br/> 7 like for the sanitary sewer department of the<br/> 8 county. They could have cleanup costs, but<br/> 9 those were not identified.<br/> 10 Q. Okay.<br/> 11 A. We don't -- we the -- there is a<br/> 12 Summit County MetroParks that's a separate<br/> 13 political subdivision that's not part of this,<br/> 14 so we don't have costs with that.<br/> 15 Q. Turning your attention to the third<br/> 16 from the bottom bullet point, "Losses caused by<br/> 17 decreased business investment and tax revenue,"<br/> 18 do I understand your testimony from earlier<br/> 19 today to be that you, sitting here today, cannot<br/> 20 assign a dollar figure to that?<br/> 21 A. We have not assigned a dollar figure<br/> 22 to that. I think the report provided by the<br/> 23 damages experts and economists assign a figure<br/> 24 to that, but I have not done an internal study<br/> 25 on my own of that.</p> |



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| <p style="text-align: right;">Page 226</p> <p>1 Q. And speaking on behalf of Summit<br/>2 County sitting here today, you do not know how<br/>3 that figure was arrived at; is that correct?<br/>4 A. Their figure?<br/>5 Q. Yes.<br/>6 A. No. I have not been provided that<br/>7 level of detail.<br/>8 Q. Let's go to the next bullet point,<br/>9 "Plaintiff's contributions to the Alcohol, Drug<br/>10 Addiction and Mental Health Services Board."<br/>11 We talked about those costs to<br/>12 Summit County already, right?<br/>13 A. Yes.<br/>14 Q. And the next one, "Increased public<br/>15 safety services, including but not limited to,<br/>16 training, investigation, staffing," et cetera,<br/>17 we talked about those costs already today as<br/>18 well?<br/>19 A. Yes.<br/>20 Q. Going to the fourth from the bottom<br/>21 bullet, "Loss of tax revenue due to decreased<br/>22 efficiency and size of the working population,"<br/>23 et cetera, again, do I understand your testimony<br/>24 to be that you do not have a dollar figure to<br/>25 assign to that category today?</p>  | <p style="text-align: right;">Page 228</p> <p>1 staffing of that would be included in the common<br/>2 pleas court costs that were included in my<br/>3 analysis that -- that, again, I didn't -- you<br/>4 know, I didn't participate in these<br/>5 calculations, but mine were very similar, at<br/>6 least in 2016, to the court of common pleas<br/>7 costs on this Exhibit 4.<br/>8 Q. Okay. Taking a look at -- and I<br/>9 want to make sure you're looking at the bullets<br/>10 that are on page 89 as well as the ones that are<br/>11 on page 88.<br/>12 A. Um-hum.<br/>13 Q. Is there any category of costs<br/>14 that's listed here that you would say is a<br/>15 significant driver of costs related to opioids<br/>16 that we have not already discussed today?<br/>17 MR. PENDELL: Objection to form.<br/>18 A. I got to tell you, I think in some<br/>19 way, shape or form we have touched just about --<br/>20 we didn't talk about fleet vehicles, but I did<br/>21 not -- we had some debate about this, but I did<br/>22 not feel that we should assign a cost, on the<br/>23 county's side anyway, to vehicle fleet<br/>24 replacement.<br/>25 As I've mentioned earlier, one of</p> |
| <p style="text-align: right;">Page 227</p> <p>1 A. My belief would be that would be<br/>2 part of that 743 million dollars the experts --<br/>3 and, again, I didn't -- I haven't seen how they<br/>4 calculated that and I have not done my own<br/>5 separate calculation of that.<br/>6 Q. Costs associated with the increased<br/>7 burden on Plaintiff's drug courts, have we<br/>8 talked about that already today?<br/>9 A. We do have drug -- a drug court, and<br/>10 we have grant funding for that, so that drug<br/>11 court costs were not included in this -- in my<br/>12 analysis.<br/>13 Q. Because the increased burden on the<br/>14 drug courts, that is -- those are -- let me<br/>15 rephrase that question. The costs that are<br/>16 associated with the drug courts, that's funded<br/>17 by grant money?<br/>18 A. Yes. Now, let me think through<br/>19 this. So the drug court itself, the services<br/>20 that are provided by the drug court are provided<br/>21 by Oriana House, so all of the treatment<br/>22 services and any -- typically those don't<br/>23 involve incarceration, but monitoring,<br/>24 treatment, probation, Oriana provides that. The<br/>25 grant pays for that. The court's time and</p> | <p style="text-align: right;">Page 229</p> <p>1 the things that, in order to address this, we've<br/>2 had to do is put off replacing fleet vehicles,<br/>3 and I suppose there is some future costs that we<br/>4 could estimate in terms of catching up with<br/>5 that.<br/>6 But no. I got to tell you. I think<br/>7 throughout the two depositions I've done, we've<br/>8 pretty much gone through really every major cost<br/>9 center of the county at least.<br/>10 Q. Turning your attention to the list<br/>11 on pages 94 through 95 -- and I believe this is<br/>12 a list of treatment and recovery services that<br/>13 Summit County offers.<br/>14 A. Okay.<br/>15 Q. Are these the ones that are funded<br/>16 through the ADM Board?<br/>17 A. These certainly look like the list<br/>18 of service providers ADM funds. Now, like --<br/>19 now -- but let me make the distinction. Like<br/>20 Summa Akron City Hospital, I don't know that --<br/>21 I'm not sure if ADM provides funding to them or<br/>22 this is -- you know, Summa itself provides that<br/>23 funding. But, yeah, this is -- this is<br/>24 representative of the service providers that ADM<br/>25 uses.</p>       |

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| <p style="text-align: right;">Page 230</p> <p>1 Q. And so the funds that were provided<br/>2 to fund these treatment and recovery services<br/>3 would be included in the costs that you've<br/>4 already estimated related to the ADM Board?<br/>5 A. That's correct.<br/>6 MS. RANJAN: Let's go off the<br/>7 record.<br/>8 THE VIDEOGRAPHER: Off the record,<br/>9 2:51.<br/>10 (Recess had.)<br/>11 THE VIDEOGRAPHER: On the record,<br/>12 2:59.<br/>13 MR. BERGMAN: Before we get started,<br/>14 can I just announce my appearance really quick<br/>15 for the record? I forgot to mention it earlier.<br/>16 Andrew Bergman on behalf of Endo and Par.<br/>17 MR. KEYES: You're now official.<br/>18 MR. BERGMAN: Great.<br/>19 EXAMINATION OF BRIAN NELSEN<br/>20 BY MR. NAEEM:<br/>21 Q. Mr. Nelson, I really just wanted to<br/>22 follow up on one of your answers to make sure I<br/>23 understood it. What I wrote down was -- and<br/>24 this is towards the end of your testimony, so<br/>25 just a few minutes before we broke. I thought</p>   | <p style="text-align: right;">Page 232</p> <p>1 calculations we've been discussing throughout<br/>2 the course of the day for that specific entity,<br/>3 is it also accurate that you did not include<br/>4 grants in coming up with the ADM dollars<br/>5 allegedly attributable to the opioid crisis?<br/>6 A. That's correct. We just used their<br/>7 local levy dollars and identified just that<br/>8 portion. So if we paid a bill and two thirds of<br/>9 it was levy and one third was federal or state<br/>10 money, it was just that two-thirds portion that<br/>11 we included.<br/>12 Q. Okay. Now, when you were looking at<br/>13 that ADM opioid-related service and dividing up<br/>14 between, you know, what portion was grant versus<br/>15 general revenue fund, did you also make that<br/>16 division for any employee cost and benefit cost<br/>17 associated with providing that service?<br/>18 A. Yes, because there -- we did a<br/>19 time -- ADM in particular provided a time<br/>20 breakdown and funding breakdown for their<br/>21 employees.<br/>22 Q. Now -- and I just have to tie this<br/>23 off then with respect to what I believe was the<br/>24 30(b)(6) Depo Exhibit 4, which is the expert one<br/>25 page that we've discussed. Do you have any</p> |
| <p style="text-align: right;">Page 231</p> <p>1 that what I heard you say was that when you were<br/>2 doing your analysis, you did not include grants<br/>3 in making that calculation, and my question is,<br/>4 simply, why didn't you include grants?<br/>5 MR. PENDELL: Objection to form.<br/>6 A. We only -- we made the decision not<br/>7 to include federal and state-funded dollars in<br/>8 our assessment, really just the money that local<br/>9 Summit County taxpayers were paying to Summit<br/>10 County government for those services.<br/>11 Q. And when you say "we," who is the<br/>12 "we"?<br/>13 A. "We" being the administration within<br/>14 the executive's office.<br/>15 Q. Okay. Earlier when you were talking<br/>16 about Summit Public Health, you mentioned that<br/>17 it's not technically a part of the Summit County<br/>18 government?<br/>19 A. That's correct.<br/>20 Q. Is that also accurate for the ADM<br/>21 Board?<br/>22 A. No, that is not. ADM Board is<br/>23 actually -- it is actually an agency within<br/>24 Summit County government.<br/>25 Q. Okay. And when you did the</p> | <p style="text-align: right;">Page 233</p> <p>1 knowledge one way or the other as to whether on,<br/>2 for example, that ADM line item that Summit's<br/>3 experts used the same method that you did to<br/>4 exclude grants and to assign for employee costs<br/>5 the difference between grant dollars and general<br/>6 revenue dollars?<br/>7 A. I do not.<br/>8 MR. NAEEM: I don't have anything<br/>9 further.<br/>10 MR. PENDELL: Anyone on the phone<br/>11 have a question in the five minutes we have<br/>12 left? I'll take that as a no.<br/>13 We don't have any questions. We<br/>14 thank you for your time and we will reserve the<br/>15 right to read and sign.<br/>16 THE VIDEOGRAPHER: Off the record,<br/>17 3:02.<br/>18<br/>19 (Deposition concluded at 3:02 p.m.)<br/>20 - - - -<br/>21<br/>22<br/>23<br/>24<br/>25</p>  |

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| <p style="text-align: right;">Page 234</p> <p>1 Whereupon, counsel was requested to give<br/>2 instruction regarding the witness' review of<br/>3 the transcript pursuant to the Civil Rules.<br/>4<br/>5 SIGNATURE:<br/>6 Transcript review was requested pursuant to<br/>7 the applicable Rules of Civil Procedure.<br/>8<br/>9 TRANSCRIPT DELIVERY:<br/>10 Counsel was requested to give instruction<br/>11 regarding delivery date of transcript.<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>  | <p style="text-align: right;">Page 236</p> <p>1 I do further certify that I am not a<br/>2 relative, counsel or attorney for either party,<br/>3 or otherwise interested in the event of this<br/>4 action.<br/>5 IN WITNESS WHEREOF, I have hereunto set<br/>6 my hand and affixed my seal of office at<br/>7 Cleveland, Ohio, on this 29th day of January, 2019.<br/>8<br/>9<br/>10<br/>11<br/>12 <br/>13 Renee L. Pellegrino, Notary Public<br/>14 within and for the State of Ohio<br/>15<br/>16 My commission expires October 12, 2020.<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>  |
| <p style="text-align: right;">Page 235</p> <p>1 REPORTER'S CERTIFICATE<br/>2 The State of Ohio, )<br/>3 ) SS:<br/>4 County of Cuyahoga. )<br/>5<br/>6 I, Renee L. Pellegrino, a Notary Public<br/>7 within and for the State of Ohio, duly<br/>8 commissioned and qualified, do hereby certify<br/>9 that the within named witness, BRIAN NELSEN, was by<br/>10 me first duly sworn to testify the truth, the whole<br/>11 truth and nothing but the truth in the cause<br/>12 aforesaid; that the testimony then given by the<br/>13 above referenced witness was by me reduced to<br/>14 stenotypy in the presence of said witness;<br/>15 afterwards transcribed, and that the foregoing is a<br/>16 true and correct transcription of the testimony so<br/>17 given by the above referenced witness.<br/>18 I do further certify that this<br/>19 deposition was taken at the time and place in the<br/>20 foregoing caption specified and was completed<br/>21 without adjournment.<br/>22<br/>23<br/>24<br/>25</p> | <p style="text-align: right;">Page 237</p> <p>1 Veritext Legal Solutions<br/>2 1100 Superior Ave<br/>3 Suite 1820<br/>4 Cleveland, Ohio 44114<br/>5 Phone: 216-523-1313<br/>6<br/>7 January 29, 2019<br/>8 To: Michael J. Pendell<br/>9<br/>10 Case Name: In Re: National Prescription Opiate Litigation v.<br/>11 Veritext Reference Number: 3196704<br/>12<br/>13 Witness: Brian Nelsen Deposition Date: 1/24/2019<br/>14<br/>15 Dear Sir/Madam:<br/>16<br/>17 Enclosed please find a deposition transcript. Please have the witness<br/>18 review the transcript and note any changes or corrections on the<br/>19 included errata sheet, indicating the page, line number, change, and<br/>20 the reason for the change. Have the witness' signature notarized and<br/>21 forward the completed page(s) back to us at the Production address<br/>22 shown<br/>23 above, or email to production-midwest@veritext.com.<br/>24<br/>25 If the errata is not returned within thirty days of your receipt of<br/>this letter, the reading and signing will be deemed waived.<br/>Sincerely,<br/>Production Department<br/>NO NOTARY REQUIRED IN CA</p> |

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| <p>1 DEPOSITION REVIEW<br/>CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 3196704<br/>CASE NAME: In Re: National Prescription Opiate Litigation v.<br/>DATE OF DEPOSITION: 1/24/2019</p> <p>4 WITNESS' NAME: Brian Nelsen<br/>5 In accordance with the Rules of Civil<br/>6 Procedure, I have read the entire transcript of<br/>7 my testimony or it has been read to me.<br/>8 I have made no changes to the testimony<br/>as transcribed by the court reporter.</p> <p>9 Date _____<br/>10 Brian Nelsen<br/>11 Sworn to and subscribed before me, a<br/>12 Notary Public in and for the State and County,<br/>13 the referenced witness did personally appear<br/>14 and acknowledge that:<br/>15 They have read the transcript;<br/>16 They signed the foregoing Sworn<br/>17 Statement; and<br/>18 Their execution of this Statement is of<br/>19 their free act and deed.</p> <p>20 I have affixed my name and official seal<br/>21 this _____ day of _____, 20____.</p> <p>22 _____<br/>23 Notary Public<br/>24 _____<br/>25 Commission Expiration Date</p>   | <p>1 ERRATA SHEET<br/>VERITEXT LEGAL SOLUTIONS MIDWEST</p> <p>2 ASSIGNMENT NO: 1/24/2019</p> <p>3 PAGE/LINE(S) / CHANGE /REASON</p> <p>4 _____<br/>5 _____<br/>6 _____<br/>7 _____<br/>8 _____<br/>9 _____<br/>10 _____<br/>11 _____<br/>12 _____<br/>13 _____<br/>14 _____<br/>15 _____<br/>16 _____<br/>17 _____<br/>18 _____<br/>19 _____</p> <p>20 Date _____<br/>21 Brian Nelsen<br/>22 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____<br/>23 DAY OF _____, 20____.</p> <p>24 _____<br/>25 Notary Public</p> <p>_____</p> <p>Commission Expiration Date</p> |
| <p>Page 239</p> <p>1 DEPOSITION REVIEW<br/>CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 3196704<br/>CASE NAME: In Re: National Prescription Opiate Litigation v.<br/>DATE OF DEPOSITION: 1/24/2019</p> <p>4 WITNESS' NAME: Brian Nelsen<br/>5 In accordance with the Rules of Civil<br/>6 Procedure, I have read the entire transcript of<br/>7 my testimony or it has been read to me.<br/>8 I have listed my changes on the attached<br/>9 Errata Sheet, listing page and line numbers as<br/>10 well as the reason(s) for the change(s).<br/>11 I request that these changes be entered<br/>12 as part of the record of my testimony.</p> <p>13 I have executed the Errata Sheet, as well<br/>14 as this Certificate, and request and authorize<br/>15 that both be appended to the transcript of my<br/>16 testimony and be incorporated therein.</p> <p>17 Date _____<br/>18 Brian Nelsen<br/>19 Sworn to and subscribed before me, a<br/>20 Notary Public in and for the State and County,<br/>21 the referenced witness did personally appear<br/>22 and acknowledge that:<br/>23 They have read the transcript;<br/>24 They have listed all of their corrections<br/>25 in the appended Errata Sheet;<br/>They signed the foregoing Sworn<br/>Statement; and<br/>Their execution of this Statement is of<br/>their free act and deed.</p> <p>I have affixed my name and official seal<br/>this _____ day of _____, 20____.</p> <p>_____<br/>Notary Public</p> <p>_____<br/>Commission Expiration Date</p> |  |

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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